

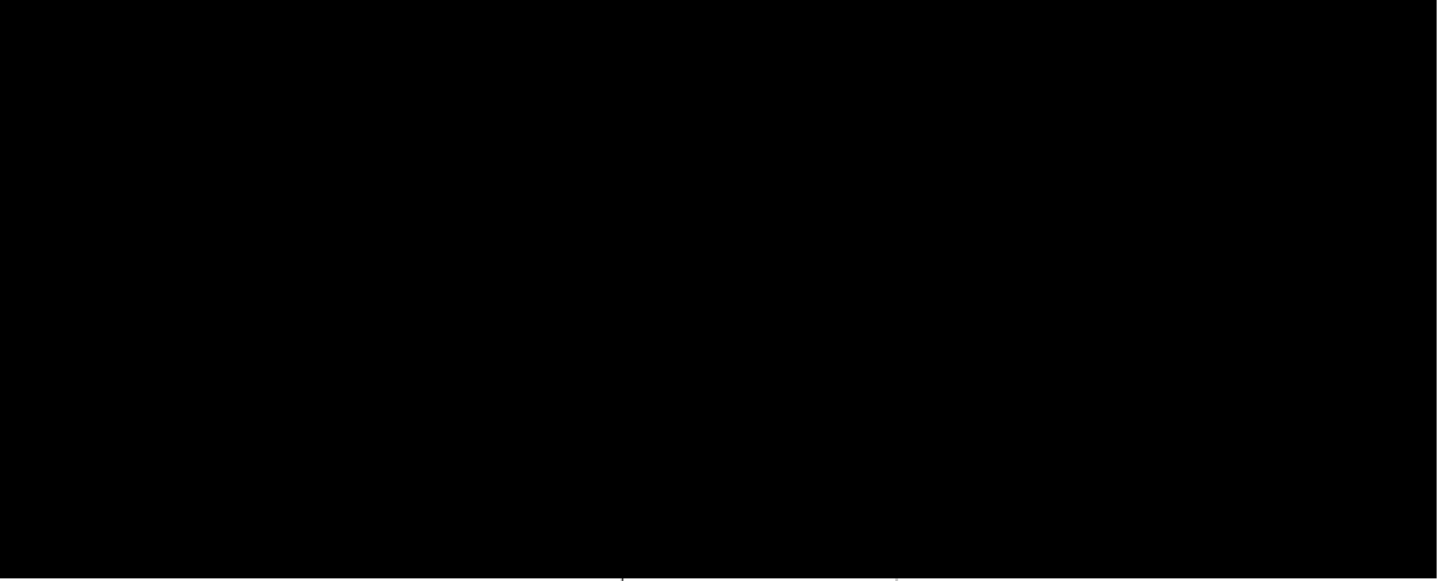
OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 03/10/05 DATE OF COMPLETION: 11/30/05 PAGE# 1 of 2

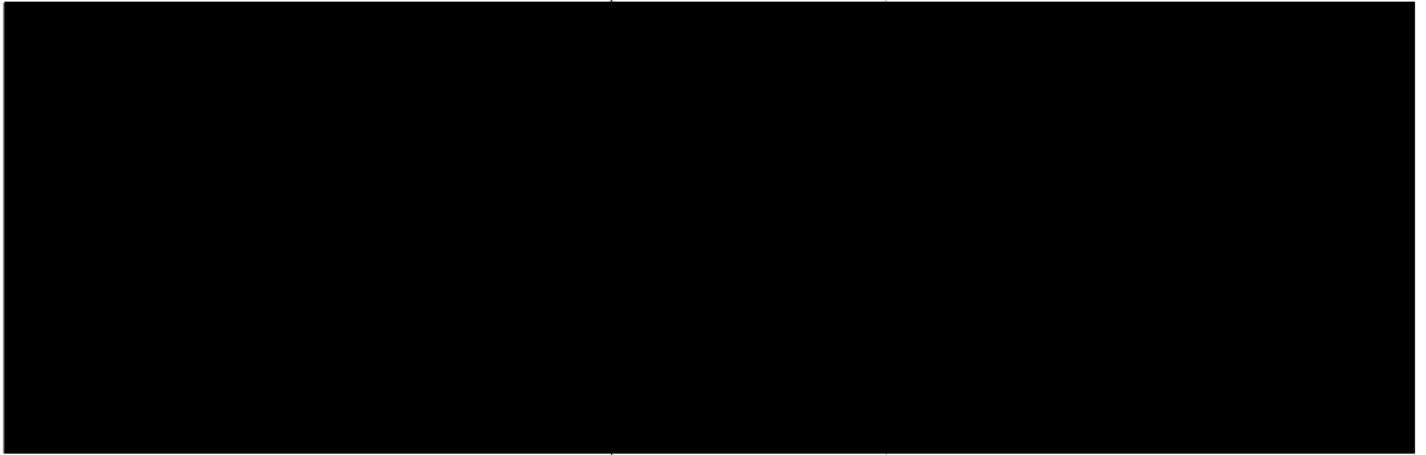
SUMMARY OF ALLEGATION #1: The officer used unnecessary force on the complainant.

CATEGORY OF CONDUCT: UF FINDING: NS DEPT. ACTION:

FINDINGS OF FACT: The complainant stated the named officer beat him with a flashlight after the complainant had been taken into custody and handcuffed. The officer denied the allegation, as corroborated by the other arresting officers. There was insufficient evidence to prove or disprove the allegation.



OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT



CITY AND COUNTY OF SAN FRANCISCO

Kevin Allen
Director

Dear [REDACTED]:

The allegation of **Unnecessary Force** against a police officer for using unnecessary force on you is **Not Sustained**.

480 SECOND STREET, SUITE 100, SAN FRANCISCO, CA 94107 • TELEPHONE (415) 597-7711 • FAX (415) 597-7733 • TTY (415) 597-6770
WEBSITE: <http://www.sfgov.org/occ>

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

December 8, 2005

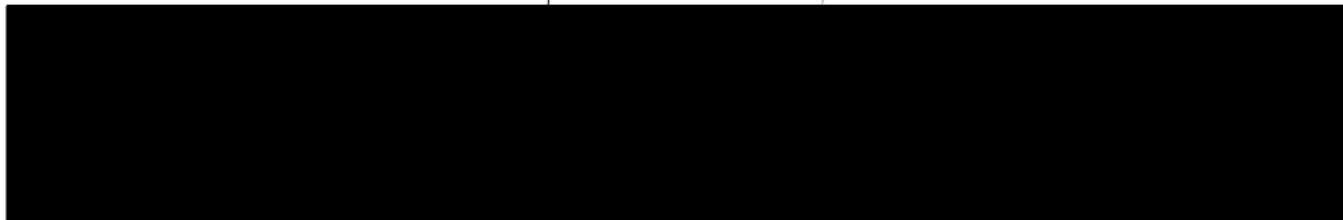
Officer Luis DeJesus #247
Bayview Station

RE: OCC Case No. 0503-05

Dear Officer DeJesus:

The Office of Citizen Complaints has conducted an investigation of the above-referenced complaint. A summary follows of the OCC's **preliminary** finding as to each allegation:

The allegation of **Unnecessary Force** for using unnecessary force on the complainant is **Not Sustained**.



Please refer to the attached information for definitions of these findings. If you are not satisfied with the preliminary disposition indicated above, you have the right to request an investigative hearing on this complaint. (Please see information sheet, enclosed). The OCC strongly recommends that, to assist you in determining the grounds for a hearing, you call promptly to make an appointment with the investigator in your case, **Mark Scafidi** at 597-7711, to discuss the preliminary findings and to review the evidence upon which the findings are based. Your written request for a hearing must be mailed or delivered within ten (10) days of the date that you receive this letter to the following address:

Office of Citizen Complaints
ATTN: Investigative Hearing Coordinator
480-2nd Street, Suite 100
San Francisco, CA 94107

As members of SFPD know, Department General Order 2.04 III. A.5.a. requires that, after OCC's investigation, including any investigative hearing, the OCC's investigation and findings as to sustained allegations shall be transmitted to the Chief of SFPD or the Chief's designee for review and action.

Sincerely,

Kevin Allen, Director
KA: gl
cc:Commanding Officer
Attachment Enclosed



Kevin Allen
Director

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT


DATE OF COMPLAINT: 03/10/05 DATE OF COMPLETION: 11/28/05 PAGE# 1 of 2

Officer Luis DeJesus / Star #247

SUMMARY OF ALLEGATION #1: The officer used unnecessary force on the complainant.

CATEGORY OF CONDUCT: UF FINDING: NS DEPT. ACTION:

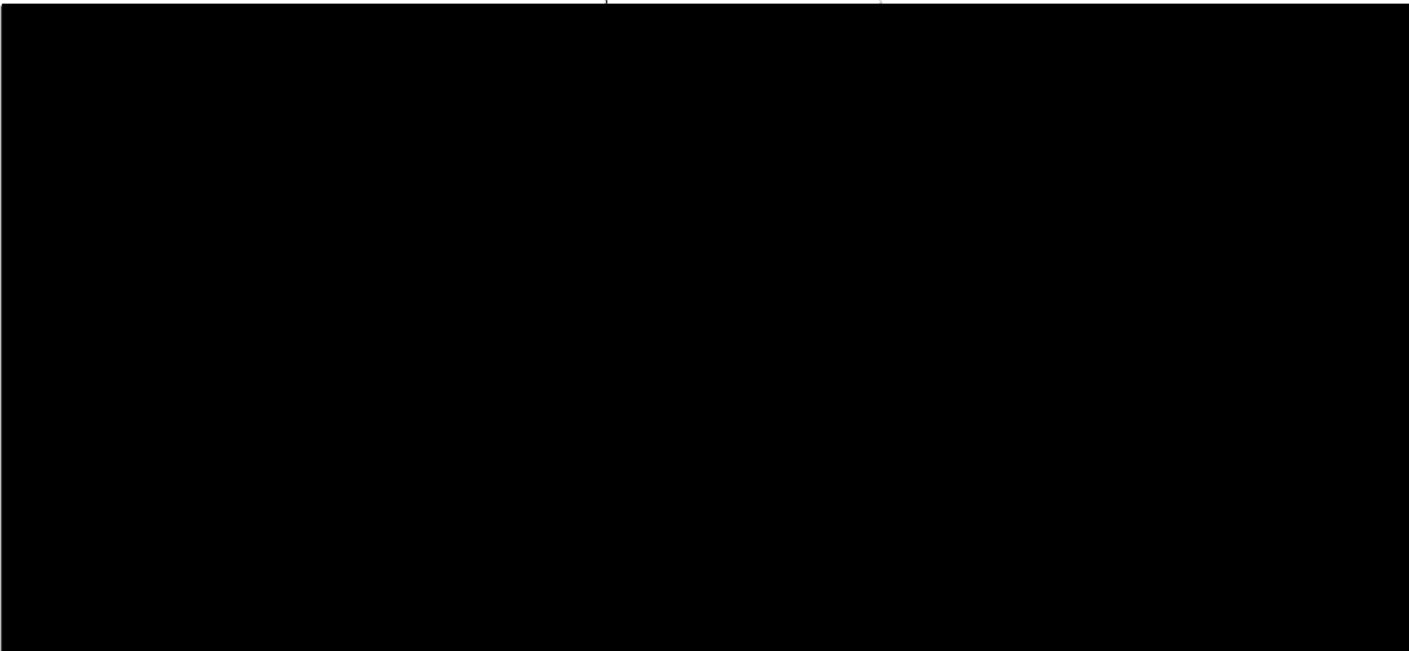
FINDINGS OF FACT: The complainant stated the named officer beat him with a flashlight after the complainant had been taken into custody and handcuffed. The officer denied the allegation, as corroborated by the other arresting officers. There was insufficient evidence to prove or disprove the allegation.



OCC Case# 503-05

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

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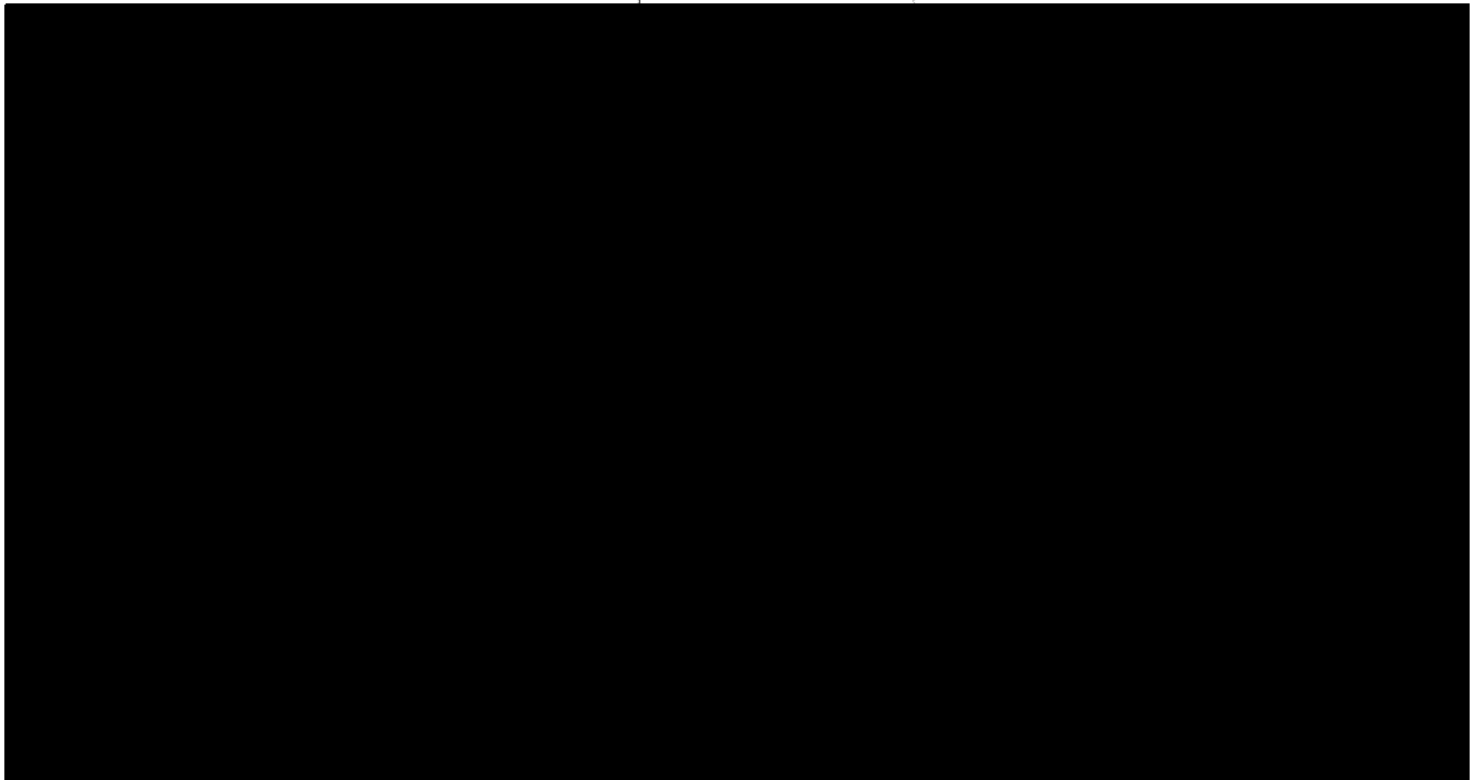


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OCC Case# 503-05

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 03/10/05 DATE OF COMPLETION: 11/28/05 PAGE# 3 of 3



OCC HEARING REQUEST? YES[] NO[] RESULT: _____

NOTES:

9/K A

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY

OCC CASE # 03-05
NAME: [REDACTED]
INV. NAME: Scafidi
PAGE #1

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DATE & ACTIVITY	(DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)
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7/22/05	Reviewed complaint filed by Comp/[REDACTED] who stated that he was arrested and handcuffed by Q2 Jackson and, thereafter, struck w/ flashlight by plainclothes Q2 (Luis) DeJesus (#247) in chest, back, and face, breaking a tooth. There were (5) officers on the scene during this use of force. Q2 DeJesus justified the unnecessary use of force in his IR.
---------	---

[REDACTED]

QIR # [REDACTED] had Reporting Q2 Luis DeJesus #247 revealing Comp's arrest for above noted charges as well as detention of [REDACTED]. Supplemental Report revealed Victim/Q2 Holly Soumen as subject of ADW.

Wit and Cassette Tape List inserted into file.

CAD Search on [REDACTED] revealed foot pursuit of suspect (no radio code # given for pursuit) and Unit 3C38I/Holly Stoumen broadcasting suspect possessed weapon on right side and battery on Off occurred. Unit 3C00 (Off did not log on, but Q2 Stephen Coleman #4184 assigned unit at that time) reported suspect held at gunpoint and SIC. Off (battery victim, known to be Q2 Stoumen declined 408. Multiple units involved in responding to incident.

Use of Force Log for Co. C., dated 3/10/05, revealed Q50 Carl Fabbri's use of force entry re Q2 DeJesus using object on suspect, who suffered no injury and complained of none. Comment Section indicated battery on Off occurred (PC 245(c)).

[REDACTED]

SFPD Rosters for Co. C. and TACT, 3rd Watch, on 3/10/05 confirmed unit assignments and on-duty status of Offs responding to this incident.

QUH on all units (indicated in CAD) revealed no new info. Copied to file.

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY

OCC CASE , 03-05
NAME: [REDACTED]
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DATE & ACTIVITY	(DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)
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7/22/05	ECD tape requested by fax today.
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IR # [REDACTED] requested today.

Booking/Housing Card requested by fax today.

T/C to SFSD - Comp housed in CJ2/7th Floor; his Jail
[REDACTED]

Preliminary Allegations and Rules:

Unnecessary Force: The officer used unnecessary force on the complainant. #247
Comp alleged that, while he was in custody and handcuffed, Q2 DeJesus struck him several times in back, head, and face w/ flashlight.
DGO 5.01

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Comp stated that he lost a front tooth as a result of his flashlight beating at the hands of Q2 DeJesus, who stated in Use of Force Log that no injury resulted to Comp.
DGO 2.01 (9)

Copy of 293 to Morning Report via Acting Supervisor McMahon's mailbox.

File forwarded to Acting Supervisor McMahon to review allegation recommendations and case referral status.

[Signature]

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY

OCC CASE #:
INV. NAME :

503-08

SCAFIN

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DATE & ACTIVITY (DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)

CAG
7/28/05
Send comp a contact letter to call you and/or go to jail and interview comp. Send or bring medical release form for comp's signature. When go to jail bring camera and photograph the comp showing the lost front tooth.

QIR shows that something was booked into property per QPRL. Run QPRL and if statements or photographs order, copied through legal.

Allegations approved. Affix to 293 and forward to comp and admin. File to CI Gallman for review of UF issues.

~~Review~~ CI - Review Nabel allegat also please. u

7/28/05 I want to see IR, and interview notes as these items arrive. Do not wait interview comp, the proposed allegations are appropriate at this juncture. After discussion with the supervisor, he will follow up with the complainant.

7/29/05. Sent comp a "call me" letter & medical release w/ stamped envelope. Call me or Mr. Scafish will visit in jail after 8/16/05. Per Salen instruct. u

SM

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY

OCC CASE #03-05
NAME: [REDACTED]
INV. NAME: Scafidi
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DATE & ACTIVITY	(DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)
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7/26/05 IR # [REDACTED] rec'd into file w/ Reporting Q2 Luis DeJesus #247 reporting that Q50 Fabbri, he and Q2 Stoumen approached Comp (known dealer) and [REDACTED] (known user), the latter immediately putting something into his mouth and swallowing. *who is who* Comp ran and, when grabbed by Q2 Stoumen, he lifted her up and body slammed her to ground. Offs pursued fleeing Comp ([REDACTED] escaping into the housing trails) and Q2 Scott illuminated Comp w/ flashlight, ordering out of bushes w/ hands up. Comp assumed fighting stance/balled fists. Q2 Scott drew firearm, ordering Comp to ground (given distinct size advantage to Comp) when Q2 Lyons forced Comp to ground and Q2s DeJesus/Scott assisted in handcuffing despite resistance. Q2 DeJesus stated he twice punched Comp in face as Comp resisted, swinging at him.

[REDACTED] suffered no injury or complained of pain. Q50 Fabbri and Q2 DeJesus made appropriate entry in use of force log book.

Q50 Carl Fabbri #1815 attached statement reporting he wore SFPD Raid jacket when approaching [REDACTED] who swallowed apparent crack cocaine rock. Q2 Stoumen attempted to apprehend Comp, who lifted her up, Q2's feet pointing straight up in air, and slammed her to ground, knocking the wind out of Q2 (per Stoumen). At Co. C., Comp asked what he was being charged w/ and Q50 Fabbri told him, "felony assault on police officer." Comp stated that he was not trying to hurt her but to get away, which was overheard by Q2s Ahern and DeJesus.

Q2 Holly Stoumen #1677 attached statement reporting that, while initial pain was slight, within 48 hrs. the pain was significant, resulting in DP.

(M)

8/18/05 SFPD Field Arrest Card submitted to file.

Comp returned HIPPA form to obtain relevant medical records.

ECD Tape rec'd into file - only info re injury at scene was 245/battery on Off, wherein Q2 Stoumen was reportedly thrown thru air but was o.k. and declining ambulance.

(M)

8/26/05 HIPPA request for Jail Medical forms sent.

(M)

OFFICE OF CITIZEN COMPLAINTS
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OCC CASE # 03-05
NAME: [REDACTED]
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DATE & ACTIVITY	(DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)
8/26/05	T/C to SFGH - confirmed Comp located at CJ2 (San Bruno), C-7

8/29/05 QPRL indicated (5) photos taken (note: IR reported (5) photos of Comp indicating no injury to Comp)
OCC LETTER TO SFPD LEGAL - requesting photos, digital disk & rules to review Comp's clothing held in
T/C to SFSD - re-confirmed location of Comp at CJ2, C-7. *Signatures*

Court Record indicates next court hearing 9/23/05.

Tape-recorded interview w/ Comp/[REDACTED] who stated Q2 Jackson arrested him one block up from Cashmere cul de sac, handcuffed him and commenced escorting him to patrol vehicle parked 15 ft. away when Q2 DeJesus approached, grabbed Comp from Q2 Jackson's custody (Q2 Jackson throwing up his hands as if had no control over prisoner), and struck Comp 4x w/ flashlight - sternum (visible mark, swollen and filled w/ pus), mid-back (bruising), right arm pit, and right cheek (knocking out wisdom/rear molar). Offs stood about in disbelief, including Q2 Jackson, another B/M muscular Off (partner?), (2) Offs in transport unit, and, perhaps, members of Q2 DeJesus' "crew."

Comp was admonished re making incriminating statements and would not comment on why Q2 DeJesus used UF (i.e., retaliation for battery on Off).

Once at Co. C., Q2 DeJesus balled fist and cocked arm as if to strike Comp, who stood ifo Q2 w/ hands raised above his head so as not to provoke Off. [REDACTED]

[REDACTED]

[REDACTED]

OCC took (5) photos of Comp in jail of alleged injuries to mid-back, sternum, and mouth. Originals to file.

File forwarded to Acting Supervisor McMahon to review allegation recommendations and case referral status. *[Signature]*

COMPLAINT WORK SUMMARY

OCC #

503-05

NAME

INV.

PAGE #

of

DATE

ACTIVITY

8/30/05 No mention in VF or IR of strikes by flashlight. Allegations stand - File to CS Galine for review. - Jail Medical Records ordered 8/29 - These should be more positive of comps injuries particularly injury to mouth - Incident occurred in March 05 received OCE 7/05 - Photos taken by OCE ~~do~~ would not reflect injuries due to time passage. - To CS Galine for disposition to DJ or return to Mr. Kupich. Case classified as "B" on 7/26/05. ✓

9/6/05 Post the photos, update the 293 to indicate if the interview was recorded. MAF to close as the available evidence does not support comps assertions of being beaten with a flashlight or the alleged force. The likelihood of comps not coming forward are slim.

10/1/05

gab

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY

OCC CASE 03-05

NAME: [REDACTED]

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DATE & ACTIVITY	(DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)
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9/14/05	Jail Medical Report rec'd into file w/ Comp reporting (subjectively) "I just got beat up by the police, see how my jaw is swoll." [REDACTED] [REDACTED] [REDACTED]/CN observed no swelling and patient had full ROM and no tenderness.
---------	--

Comp had no dental emergency but reported being hit in "left mandible area w/ c/o loosened left lower tooth." Comp had broken but decayed 1st lower molar. Poor dentition noted w/ no swelling and could clench teeth w/o pain. No x-rays taken. Comp refused dental call on 3/18/05 w/ Rosa Ramirez/RDA.

T/C from Ed Martinez requesting c/b to discuss possible photographs to be taken of Comp's clothing.

9/15/05	T/C to Ed Martinez/SFPD Legal establishing that the only clothing in property is Comp's beanie - no white shirt or other clothing (looking for blood stains).
---------	---

Martinez to send (5) photos and disk w/ other info requested.

9/19/05	SFPD Photos (5) taken of Comp revealed no bruising/swelling on chest/back/face. No photos taken of Comp's mouth's interior. Photos to file.
---------	---

[REDACTED] [REDACTED] [REDACTED] [REDACTED] requesting wit statement of contact w/ Offs.

10/4/05 Follow 9/14/05 Salame recommend a MRF to close based on lack of objective evidence
MRF to close - Close by 12/15/05. GUP

(signature)

OFFICE OF CITIZEN COMPLAINTS
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NAME: [REDACTED]
INV. NAME: Scafidi
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DATE & ACTIVITY	(DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)
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10/19/05	MRFs drafted for Q2s DeJesus, Stoumen, Aherne (in 3C38 Unit), Scott & Fitzpatrick (arresting Offs per booking card), Lyons (tackled Comp), Jackson & Parker (identified by Comp), Archini & Kenney (transport unit), and Izaguirre & Q50 Fabbri (present in I.R.) w/ return due date of 11/9/05.
----------	--

10/27/05	MRFs noted above sent out w/ return date of 11/17/05.
----------	---

10/28/05	MRFs served on Q2s Parker/Jackson on 10/27/05 at GTF by Lt. Murphy.
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11/1/05	MRF served upon Q2 Kenney on 10/28/05 w/ 11/17/05 return due date.
---------	--

11/2/05	Q50 Carl Fabbri #1815 returned his MRF stating he was not present during the reported use of force by Q2 DeJesus and to Q50's knowledge, Comp was uninjured and did not complain of pain.
---------	--

Q50 Fabbri indicated that the digital photos taken of Comp revealed no injury.

11/7/05	MRFs served upon Q2s Stoumen, DeJesus, Fitzpatrick, Scott, Archini, Lyons, and Aherne on 10/31/05.
---------	--

11/8/05	Q2 Luis DeJesus #247 returned his MRF reiterating his IR statement as explanation for what occurred; that is, he struck Comp in the face w/ his fist twice to ward off Comp he swung at Q2 DeJesus w/ a closed fist. Q2 DeJesus denied any Off struck Comp w/ a flashlight.
---------	--

Q2 DeJesus stated he did not know what other Offs were at the scene, other than Q2 Lyons/Scott. Q2 DeJesus re-emphasized that he used force to combat Comp, who took fighting stance w/ balled fists and considerably outsized the Offs confronting him. Q2 DeJesus recalled no injury occurring to Comp or his complaining of any pain.



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DATE & ACTIVITY	(DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)
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11/8/05	Q2 Romina Izaguirre #4083 returned her MRF stating she was not at the scene when Comp was taken into custody and, therefore, did not observe any Off use force on Comp. Q2 Izaguirre further stated she was not involved in transport or knew of any injury befalling Comp.
---------	---

11/9/05	Q2 James Aherne #1095 returned his MRF stating he was not present when Comp was taking into custody and knows of no force being used by Offs upon the Comp. Q2 Aherne stated he first saw Comp at Co. C. and noticed no visible injury on the Comp.
---------	---

Q2 Gerald Lyons #4067 returned his MRF stating the IR accurately portrays what occurred; that is, he assisted Q2s DeJesus/Scott in taking Comp into custody. It was dark as the Offs struggled in the bushes to control/arrest Comp, who flailed legs and attempted to punch the Off(s). Q2 Scott employed his flashlight to illuminate Comp, who struck a fighting stance w/ balled fists and was non-compliant w/ Q2 Scott's directives. Q2 Scott drew his firearm and Q2 Lyons moved in, when Comp pushed Q2 Lyons, who brought Comp to the ground. Q2 Lyons denied an Off struck Comp w/ a flashlight and he did not see any injury to or on the Comp.

Q2 Reginald Scott #441 returned his MRF stating the IR "clearly reflects an accurate account of the events ..." wherein he recalled only Q2s DeJesus, Lyons and himself involved and present at the scene. Q2 Scott recalled observing Comp, hiding in shrubs/ivy, and radioed his location. Q2 Scott ordered him to exit the bushes w/ his hands in the air but Comp did not comply. Q2 Scott held Comp at gunpoint, illuminating Comp's hands to be sure he did not possess a gun, when other Offs arrived. Comp assumed fighting stance when "contacted" by Q2s Lyons/DeJesus and struggle ensued. Q2 Scott holstered his gun and flashlight and assisted in handcuffing Comp w/o further incident. Q2 Scott stated that no Off struck Comp w/ a flashlight.

Q2 Scott stated that the minimal force needed to take Comp into custody was used. Com did not bear any visible injuries and made no complaint of pain.

11/17/05	Q2 Sean Archini #1500 returned his MRF stating he was not present when Comp was taken into custody and assumed
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MA

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY

OCC CASE # 03-05
NAME: [REDACTED]
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DATE & ACTIVITY	(DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)
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11/17/05	fighting stance. Therefore, he did not observe Q2 DeJesus use force (or flashlight) on Comp, nor did he witness any other Off use force on Comp after Comp was taken into custody. Q2 Archini recalled no injured to Comp resulting from this incident.
----------	---

11/22/05	Q2 Matthew Kenney #572 returned his MRF stating he had no knowledge of this incident.
----------	---

Q2 Derrick Jackson #876 returned his MRF stating that he responded to Co. C. to interview the Comp after he was taken into custody; therefore, he has no information re the apprehension, force used, or circumstances of the arrest.

Q2 Barry Parker #1461 returned his MRF stating the same as Q2 Jackson/his partner above.

Q2 Rodney Fitzpatrick #114 returned his MRF stating Comp had already been taken into custody upon his arrival onto the arrest scene, such that he did not witness any force used by the Offs on the Comp.

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OFFICE OF CITIZEN COMPLAINTS
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OCC CASE # 03-05

NAME: [REDACTED]

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DATE & ACTIVITY

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[REDACTED]

[REDACTED]

[REDACTED]

Q2 DeJesus reported twice striking the Comp in the face w/
his fist, resulting in no injury. The Comp alleged that he
lost a tooth and suffered injury. While Jail Medical
Records did not support Comp's claim of losing a tooth or
having swollen jaw, there is insufficient evidence to
support that no injury occurred. (NS)

Drafted CSR to be forwarded w/ file to Sup'vr McMahon

[REDACTED]

11/28/05

[REDACTED]

(Signature)

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT WORK SUMMARY

OCC CASE # J3-05

NAME: [REDACTED]

INV. NAME: Scafidi

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11/28/05	Cassette Tape record and tape deposited w/ Admin Team and CSR transferred to Share Drive.
----------	---

File forwarded to Supervisor McMahon to review recommended findings above.

11/29/05 Concern w/ findings to sin all in for ^(MR) closure review. If anything - the OCE added allegation could be changed to Unfounded. No corroborating evidence that comp struck by flashlight. ~~just~~ struck by fist as noted on UF log. - No Q corroborated a flashlight being used & med's do not seem to corroborate comp's claim. *AMJ*

11/30/05 Approved for closure *JKT*

File 2N

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How Received: Person ☐ Phone ☐ Letter ☐ SFPD ☒ Mail-In ☒ Other ☐ : (specify).

2 Personal Information

Sex: Male

Ethnicity: Black

Occupation: Laborer

4 Telephone Numbers:

Home:

Work: (N/A) N/A

Last	First Name	Middle Initial
------	------------	----------------

HOME ADDRESS: _____ Street _____ Apartment _____

City _____ State _____ Zip _____

WORK ADDRESS: _____ Street _____ Apartment _____

City _____ State _____ Zip _____

5 Location of Occurrence:

6 Type of Place | 7 District

Residential Place Barkview

8 Day, Date, & Time Of Occurrence:

A.M. / P.M.
(Circle one)

9 Incident Report or Citation No

10 SECONDARY COMPLAINANT? Yes ☐ No ☐ Witnesses? Yes ☒ No ☐ (If "Yes", attach separate sheet of paper.)

Taped Interview? Yes ☒ No ☒ Criminal Case Pending in Relation to this matter? Yes ☐ No ☐

11 Injuries Claimed? Yes ☒ No ☐ Injuries Visible? Yes ☒ No ☐ Drug/Alcohol Related? Yes ☐ No ☒

Photos Taken? Yes ☐ No ☒ By: Photo Lab ☐ O.C.C. ☐ Other: _____

Type of Injury: *bruising/swelling of sternum, back / knocked out molar* Medical Release Signed? Yes ☐ No ☒

12	13	14	15	16	17	18	19	20	21
Activity	Type	DISP.	Uniform	Rank	Member's Name & Star Number	Unit	Svc	Sex	Eth

		Yes <input checked="" type="radio"/> No <input type="radio"/>											
01	UF AC	WS	<input checked="" type="checkbox"/>	02	LUIS DEJESUS	#247	303	1/8	M	3			

01	[REDACTED]	I. D. PENDING	31
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	[REDACTED]	\$ [REDACTED]							
#	[REDACTED]	[REDACTED]						30/38 "43"	m t

[illegible]

[REDACTED]

Amended Feb 18 1870



Police Commission for the City and County of San Francisco
OFFICE OF CITIZEN COMPLAINTS



~CITIZEN COMPLAINT FORM~

INSTRUCTIONS FOR COMPLETION OF THE CITIZEN COMPLAINT FORM:

Please answer questions in blocks 2, 3, 4, 5, 8, 11, 15, 17, 20, 21 & 22. Leave all other blocks blank unless you know the information requested. Please **print** all information in **English**. If you do not have a telephone number, enter a message number or the number of a neighbor, friend or relative in block 4. If witnesses are available, write their names, addresses and telephone numbers on a separate sheet of paper and attach it to your complaint. Do not write them on the complaint form. If you do not know the officer's name or badge number, include a complete physical description in the narrative (22). **Print** your narrative. Explain what happened from beginning to end. Be specific as to the nature of your complaint against each officer. Include who, what, where, when and why. If you need additional space, use separate sheets of paper and attach them to the complaint. **YOUR STATEMENT MUST BE A TRUE AND ACCURATE ACCOUNT OF THE INCIDENT** to the best of your knowledge and belief, and must be signed by you in block 22. If you have questions or need help, please call the OCC at (415) 597-7711 between 8:00 a.m. and 5:00 p.m., or leave a message with our answering service after 5:00 p.m. You may also contact your local neighborhood center for help. Interpreters can be provided at no charge.

填寫公民投訴書說明：

請回答第 2, 3, 4, 5, 8, 11, 15, 17, 20, 21 及 22 項問題。除非您知道我們所要求的資料，否則請將其他各項留空。所有資料，務請以正格填寫清楚。如果您沒有電話號碼，請在第 4 項填上有可能聯絡您的電話號碼，或鄰居、親戚、朋友的號碼。如果有證人，請用另一張紙寫上他們的姓名，地址及電話，和投訴書夾在一起；切勿寫在投訴書上。如果你不知道涉及事件的警務人員姓名或編號，請將該員的身高、體重、體特徵，以正格詳盡寫在第 22 項上。請清楚說明事件的過程，及投訴的類別，包括涉及何人、何事、何處、何時及何由。如您認為投訴書不夠您填寫，可以另紙填寫資料，夾在投訴書上。您應根據您所知道及所相信的事實填寫資料，必須真實及正確；填妥請在第 22 項簽名。如有疑問或需要幫助，請在上午八時至下午五時，致電 (415) 597-7711「公民投訴組」，或在下午五時後，在該組的電話錄音機上留言。您亦可以與有免費翻譯員服務的「華埠建民中心」求助，電話 415-391-5099。

INSTRUCCIONES PARA LLENAR EL FORMULARIO DE QUEJAS DE LOS CIUDADANOS: Por favor conteste las preguntas de las casillas 2, 3, 4, 5, 8, 11, 15, 17, 20, 21 & 22. Deje sin contestar las demas preguntas a menos que sepa la información solicitada. El formulario debe ser contestado en **Ingles**. Si usted no tiene telefono escriba en la casilla 4 el número de un servicio de mensajes, o el de un vecino, amigo o pariente. Escriba en una hoja separada los nombres, direcciones y telefonos de los testigos (si los hay), y adjunte ésta información al formulario. En caso de que no conozca el nombre o número de insignia de los oficiales, incluya una descripción fisica completa (22). Describa los hechos en forma completa, sea especifico. Incluya quien, que, donde, cuando y porque. Su declaración debe ser un recuento exacto y verdadero del incidente y debe estar firmada por usted (22). Para pedir información o solicitar ayuda visite nuestras oficinas locales o llamenos al numero (415) 597-7711 de 8:00 AM - 5:00 PM. El servicio de interpretacion es gratis. Formularios tambien pueden ser obtenidos en La Raza Information Center-- (415) 863-0764.

PARAAN NG PAGSAGOT SA PORMANG ITO (CITIZEN COMPLAINT o REKLAMO NG MAMAMAYAN)
Mangyaring sagutin ang mga tanong sa blokeng 2, 3, 4, 5, 8, 11, 15, 17, 20, 21, at 22. Kung wala kayo ng impormasyon hinihingi dito, paki-iwanan blanko ang blokeng hindi masagot. Paki-Ilmbag ang lahat na sagot ninyo. Kung wala kayong telepono, paki-sulat lang ang inyong "message number", o ang numero ng inyong kapit-bahay, kaibigan, o kamaganak. Kung mayroon kayong mga saksi o testigo, isulat sa ibang papel ang kanilang mga pangalan, mga tirahan, at mga telepono at ikabit ito sa reklamo ninyo. Huwag gagamitin ang pormang ito. Kung hindi ninyo alam ang pangalan ng pulis, o ang numero ng kanyang tsapa, isama sa inyong salaysay ang hitsura at pagmumukha ng pulis. Ilmbag ang inyong salaysay. Liwanagin lahat ang nangyari magmula sa umpisa hanggang sa katapusan. Tiyakin o siguraduhin ang inyong sinusumbong o renireklamo. Sabihin o ilarawan kung sino, ano, saan, kailan at bakit sa pangyayari. Kung kulang ang pagsusulat dito gumamit ng ibang papel at ikabit ito sa sumbong ninyo. Sa inyong kaalaman at paniniwala, ang inilahad ninyong nangyari ay dapat lubos na katotohanan at walang kamali-mali at kailangan ninyong pirmahan ang sumbong ito sa blokeng bilang 22. Itanong sa amin kung alinman dito ang hindi maliwanag sa inyo. Kung kailangan ninyo ng tulong, paki-tawagan kami, OCC, telepono (415) 597-7711. Maaring tawagan din ninyo ang Philippines American Consul sa telepono (415) 626-0773 sa pagitan ng alas--disa ng umaga at alas--singko ng hapon o mag-iwan ng pahatid o "message" sa aming "answering service" paglampas

503.05

22

NARRATIVE OF INCIDENT:

I was place under arested
 buy officer Jackson, who put handcuff on me?
 When officer Hayssaz came from where I
 dont know? Start to hit me with a flashlight
 Hit me from the back the chest and face and
 broken My tooth in half. I was handcuff the
 whole time He beaten me like it was legal
 It was more then Five officer on the scene
 when it all ~~take~~ place on cashmere in a dark
 spot at 9:00pm at night. The officer who beaten
 me put in all action he use with the flashlight
 in the Police report like it is justifiable.
~~is action~~ He was not a uniform cop. He
 was in street clothes so he can get away
 with brake the law. I got civil right not
 on no parole or probation. in no county
 or state.

(State law passed in 1995 mandates that the following statement be provided to, read and signed by persons filing complaints. The OCC encourages the filing of a complaint by anyone who believes he or she is a victim or a witness of improper police conduct or policies.)

ACKNOWLEDGEMENT OF COMPLAINANT (148.6 P.C.)

YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A POLICE OFFICER FOR ANY IMPROPER POLICE CONDUCT. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CITIZENS' COMPLAINTS. YOU HAVE A RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. CITIZEN COMPLAINTS AND ANY REPORTS OR FINDINGS RELATING TO COMPLAINTS MUST BE RETAINED FOR AT LEAST FIVE YEARS. IT IS AGAINST THE LAW TO MAKE A COMPLAINT THAT YOU KNOW TO BE FALSE. IF YOU MAKE A COMPLAINT AGAINST AN OFFICER KNOWING THAT IT IS FALSE, YOU CAN BE PROSECUTED ON A MISDEMEANOR CHARGE.

☒ I HAVE READ AND UNDERSTOOD THE ABOVE STATEMENT.

☒ THE ACKNOWLEDGMENT HAS BEEN READ TO THE COMPLAINANT.

Complainant Signature/Date:

Taken By (Name/#/Unit)/Date:

Assigned Investigator/Date:

Closure Approval/Date:

INV. SARAH M. HAYSSAZ

G. H. H. 11/20/05

After you have completed this form, return it to the Office of Citizen Complaints by folding it along the lines below so that the address shows on the outside. Drop in any mailbox. NO POSTAGE NECESSARY IF MAILED IN THE UNITED STATES.

在您填妥本投訴書後，請沿摺線摺妥（地址在外），投入郵箱，寄回「公民投訴組」。在美國境內寄出，不需郵費。

Despues de completar la forma, doblela sobre las lineas marcadas y depositela en el buzón. No necesita estampilla (sello postal).

Matapos buuin ang pormang ito, tiklupin sa mga linyang nakatatak sa baba upang makita sa labas ang aming "address". Ihulog sa anumang buson o "mailbox". Hindi kailangan ng selyo kung ipadadala lang sa loob ng America.

OFFICES LOCATED AT:
480 Second Street, Suite 100
San Francisco, CA 94107

RECEIVED
JUL 29 1997
205 ALBANY



NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES

BUSINESS REPLY MAIL

FIRST CLASS MAIL PERMIT NO. 22978 SAN FRANCISCO, CA

POSTAGE WILL BE PAID BY ADDRESSEE

City and County of San Francisco
OFFICE OF CITIZEN COMPLAINTS
875 Stevenson Street, Room 125
San Francisco, CA 94103-0917



INTAKE CHECKLIST

CASE # 503-05

COMPLAINANT [REDACTED]

PHASE I (first ten days)

	Done	N/A	Notes
A. CASE RECEIVED	<input checked="" type="checkbox"/>		7/21/05
1. Log into book/database	<input checked="" type="checkbox"/>		
B. LOCATE AND INTERVIEW COMPLAINANT	<input checked="" type="checkbox"/>		TBD
1. Medical release signed	<input checked="" type="checkbox"/>		TBD
2. Obtain specific contact info	<input checked="" type="checkbox"/>		
3. Juvenile Consent form signed	<input checked="" type="checkbox"/>		
4. 143.6 signed or taped	<input checked="" type="checkbox"/>		
5. Photograph injuries	<input checked="" type="checkbox"/>		
6. Photo spread	<input checked="" type="checkbox"/>		
7. Complete 293	<input checked="" type="checkbox"/>		
C. CASE CHRONOLOGY	<input checked="" type="checkbox"/>		
1. Summarize interviews/evidence in CWS	<input checked="" type="checkbox"/>		
2. Record investigative steps in CWS	<input checked="" type="checkbox"/>		
D. COMPUTER INFORMATION	<input checked="" type="checkbox"/>		
1. Run CAD, QCH, QUH,	<input checked="" type="checkbox"/>		
2. DMV, QALL, QIR, QPRL, QLAB, QCA	<input checked="" type="checkbox"/>		
3. Run PS or Roster	<input checked="" type="checkbox"/>		
4. Other	<input checked="" type="checkbox"/>		
E. ORDER DOCUMENTS	<input checked="" type="checkbox"/>		
1. Obtain copy of IR	<input checked="" type="checkbox"/>		REQ'D 7/20/05
2. Obtain communications tape	<input checked="" type="checkbox"/>		REQ'D 7/20/05
3. Citations ordered	<input checked="" type="checkbox"/>		
4. Medical records	<input checked="" type="checkbox"/>		TBD - REQ'D 8/26/05
5. Arrest card	<input checked="" type="checkbox"/>		REQ'D 7/22/05
6. S/W (affidavit), UOF log, Tow Inventory,	<input checked="" type="checkbox"/>		
7. S-49(b), Strip Search Auth., Juvenile Log, Arrest	<input checked="" type="checkbox"/>		
8. Log, Paramedic Records	<input checked="" type="checkbox"/>		REQ'D 7/22/05
9. Housing card	<input checked="" type="checkbox"/>		
10. Other	<input checked="" type="checkbox"/>		
F. IDENTIFY WITNESSES & START WITNESS LIST	<input checked="" type="checkbox"/>		
1. Obtain specific contact info	<input checked="" type="checkbox"/>		
G. DRAFT ALLEGATIONS	<input checked="" type="checkbox"/>		
H. FINALIZE NARRATIVE	<input checked="" type="checkbox"/>		
I. START TAPED INTERVIEW LOG	<input checked="" type="checkbox"/>		
J. REVIEW GO'S, RULES, HSAW/PC/DB/MP/	<input checked="" type="checkbox"/>		
COPWARE	<input checked="" type="checkbox"/>		
K. PREPARE CASE MGMT. DOC. (see reverse)	<input checked="" type="checkbox"/>		

PHASE II

	Done	N/A	Notes
A. SENT IN FOR INTAKE REVIEW	<input type="checkbox"/>		
B. INV PLAN/ALLEGATIONS APPROVED	<input type="checkbox"/>		
C. ASSIGN WEIGHT	<input type="checkbox"/>		
D. COPY 293	<input type="checkbox"/>		
1. Copies sent to Admin	<input type="checkbox"/>		
2. Copies mailed to COMP	<input type="checkbox"/>		

OCC Case Number 503-05

Unnecessary Force: The officer used unnecessary force on the complainant. #247

[REDACTED]

OFFICE OF CITIZEN COMPLAINTS
WITNESS LIST
OCC CASE NO. 503-05

Civilian [☒] Officer [☐]

Name: [REDACTED]
Address: [REDACTED]
City: [REDACTED]
State: _____ Zip: _____
Telephone: _____

Civilian [☐] Officer [☒]

Name: GR HOLLY STOUMEN #1677
Address: _____
City: _____
State: _____ Zip: _____
Telephone: [REDACTED]

Civilian [☐] Officer [☐]

Name: _____
Address: _____
City: _____
State: _____ Zip: _____
Telephone: _____

Civilian [☐] Officer [☐]

Name: _____
Address: _____
City: _____
State: _____ Zip: _____
Telephone: _____

Civilian [☐] Officer [☐]

Name: _____
Address: _____
City: _____
State: _____ Zip: _____
Telephone: _____

Civilian [☐] Officer [☐]

Name: _____
Address: _____
City: _____
State: _____ Zip: _____
Telephone: _____

Civilian [☐] Officer [☐]

Name: _____
Address: _____
City: _____
State: _____ Zip: _____
Telephone: _____

Civilian [☐] Officer [☐]

Name: _____
Address: _____
City: _____
State: _____ Zip: _____
Telephone: _____

Civilian [☐] Officer [☐]

Name: _____
Address: _____
City: _____
State: _____ Zip: _____
Telephone: _____

Civilian [☐] Officer [☐]

Name: _____
Address: _____
City: _____
State: _____ Zip: _____
Telephone: _____

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

PROOF OF SERVICE
RECEIVED
AT OCC



Kevin Allen
Director

TO: Captain John Goldberg / O.I.C., Mission District Station
2005 NOV -2 A 2: 54

RE: MEMBER RESPONSE FORM FOR OCC CASE # 503-05

FROM: Mark Scafidi, OCC Investigator

DATE: October 27, 2005

MEMBER TO BE NOTIFIED: Officer Matthew Kenney #572

COMMANDING OFFICER'S PROOF OF SERVICE:

Date received: 10/28/05
Date and Time served: 10/28/05 2100
Date returned to OCC: _____

Reason for failure to serve:

Lt. Sharon McNally #98
Signature _____ Star No. _____

Member's Signature

Star No.

Date and Time Notified

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

OFFICER'S COPY



Kevin Allen
Director

TO: Acting-Captain Curtis Lum / O.I.C., Bayview District Station

RE: MEMBER RESPONSE FORM FOR OCC CASE # 503-05

FROM: Mark Scafidi, OCC Investigator

DATE: October 27, 2005

MEMBER TO BE NOTIFIED: Officer Matthew Kenney #572

COMMANDING OFFICER'S PROOF OF SERVICE:

Date received: _____

Reason for failure to serve: _____

Date and Time served: NOV 15 2005

Date returned to OCC: _____

IT LEYDON # 2243

Signature

Star No.

Member's Signature

Star No.

Date and Time Notified

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO



OFFICE OF CITIZEN COMPLAINTS MEMBER RESPONSE FORM

Kevin Allen
Director

TO: Officer Matthew Kenney #572

RE: OCC CASE No. 503-05

FROM: Mark Scafidi, OCC Investigator

COMPLAINANT: [REDACTED]

DATE: October 27, 2005

DATE OF OCCURRENCE: March 10, 2005

RESPONSE DUE DATE: November 17, 2005

REPORT NO.: [REDACTED]

The OCC is conducting an investigation into the complaint referenced above. In order to facilitate the investigation, you are to provide a separate answer to each of the specific questions listed on the reverse side of this form.

(OVER)

INFORMATION REQUESTED:

1. On March 10, 2005, at 7:41 p.m., according to CAD [REDACTED] (see enclosed), your unit was involved in the pursuit of the complainant, [REDACTED], at [REDACTED], and transported him to the police station. The complainant stated that your unit was parked nearby when Officer Luis DeJesus #247 struck him with a flashlight several times about the face, armpit, sternum and back.

State what force you observed Officer DeJesus use on the complainant on this occasion.

2. Did Officer DeJesus strike the complainant with a flashlight? If so, explain what occurred and the officer's apparent reason for striking the complainant with a flashlight.

3. Did any other officer strike the complainant with a flashlight? If so, identify that officer and state your observations regarding the circumstances in which the officer used the flashlight.

4. Identify those officers who may have witnessed the force Officer DeJesus allegedly used on the complainant.

5. The complainant's recollection of this incident inferred that Officer DeJesus used retaliatory force upon him due to the injury Officer Holly Stoumen sustained at the hands of the complainant. Did it appear that Officer DeJesus employed force on the complainant in retaliation for the force the complainant reportedly used on Officer Stoumen? If so, explain.

6. The complainant recalled an officer was escorting him to a patrol vehicle when Officer DeJesus approached and employed force with a flashlight. The incident report indicated that the force Officer DeJesus used (i.e., two punches to the face) was done to take the complainant into custody. Did you observe any force used on the complainant after he was taken into custody? If so, explain what force was used, by whom, and the apparent reason(s) for its use?

7. The complainant denied he assumed a fighting stance when confronted by the arresting officers, as written in the incident report. State in detail your recollection of the complainant's "fighting stance" on this occasion. (e.g., proximity to officers, body position, accompanying words, if any, etc.)

8. The complainant stated he lost a tooth as a result of the force the officer(s) used upon him. State what you recall of any injury to the complainant on this occasion.

ARE THERE ANY WITNESSES TO THIS INCIDENT? IF SO, IDENTIFY AND PROVIDE CONTACT INFORMATION.

WOULD AN ORAL INTERVIEW AID THIS INVESTIGATION?

IF YES, PLEASE EXPLAIN:

ADD ANY STATEMENT YOU FEEL IS NECESSARY FOR US TO CONSIDER IN THIS INVESTIGATION.

REASON FOR THIS REQUEST: Investigation of citizen complaint.

DOCUMENTS ATTACHED: OCC Complaint Form #293, Event History Detail [REDACTED], and SFPD Incident Report [REDACTED]

MEMBER'S SIGNATURE: _____ DATE: _____

To: Mark Scafidi, OCC investigator

From: Matthew Kenney #572

Date: November 15, 2005

Response Due Date: November 17, 2005

- 1) None.
- 2) I do not know.
- 3) I do not know.
- 4) I do not know.
- 5) I do not know.
- 6) No.
- 7) I do not recall.
- 8) I do not recall.
- 9) I do not know.
- 10) No.
- 11) I have no statements to add.

RE: OCC CASE No. 503-05

Complainant: [REDACTED]

Date Of Occurrence: March 10, 2005

Report Number: [REDACTED]

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

PROOF OF SERVICE



Kevin Allen
Director

TO: Acting-Captain Curtis Lum / O.I.C., Bayview District Station

RE: MEMBER RESPONSE FORM FOR OCC CASE # 503-05

FROM: Mark Scafidi, OCC Investigator

DATE: October 27, 2005

MEMBER TO BE NOTIFIED: Officer Rodney Fitzpatrick #114

COMMANDING OFFICER'S PROOF OF SERVICE:

Date received: _____

Reason for failure to serve: _____

Date and Time served: NOV 02 2005

Date returned to OCC: NOV 8 - 2005

IT O. COVES #190
Signature _____ Star No. _____

[Signature]
Member's Signature

114
Star No.

11-2-05 1200
Date and Time Notified

C-05-215

Memorandum

San Francisco Police Department



To: CAPTAIN ALBERT PARDINI #743
COMMANDING OFFICER
BAYVIEW STATION

APPROVED YES NO

From: OFFICER RODNEY FITZPATRICK #114
BAYVIEW STATION

<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

Date: Thursday, November 17, 2005

Subject: OCC MEMBER RESPONSE

ATTACHED IS A COPY OF MY OCC MEMBER RESPONSE FORM CASE #503-05. I HAVE COMPLETED AND TURNED IN A COPY TO OF MY RESPONSE.

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO



OFFICE OF CITIZEN COMPLAINTS MEMBER RESPONSE FORM

Kevin Allen
Director

TO: Officer Rodney Fitzpatrick #114

RE: OCC CASE No. 503-05

FROM: Mark Scafidi, OCC Investigator

COMPLAINANT: [REDACTED]

DATE: October 27, 2005

DATE OF OCCURRENCE: March 10, 2005

RESPONSE DUE DATE: November 17, 2005

REPORT NO.: [REDACTED]

The OCC is conducting an investigation into the complaint referenced above. In order to facilitate the investigation, you are to provide a separate answer to each of the specific questions listed on the reverse side of this form.

(OVER)

INFORMATION REQUESTED:

1. On March 10, 2005, at 7:41 p.m., according to CAD [REDACTED] (see enclosed), your unit was involved in the pursuit, if not the apprehension and arrest, of the complainant, [REDACTED]. The complainant alleged that Officer Luis DeJesus #247 struck him with a flashlight several times about the face, armpit, sternum and back.

State what force you observed Officer DeJesus use on the complainant on this occasion.

2. Did Officer DeJesus strike the complainant with a flashlight? If so, explain what occurred and the officer's apparent reason for striking the complainant with a flashlight.

3. Did any other officer strike the complainant with a flashlight? If so, identify that officer and state your observations regarding the circumstances in which the officer used the flashlight.

4. Identify those officers who may have witnessed the force Officer DeJesus allegedly used on the complainant.

5. The complainant's recollection of this incident inferred that Officer DeJesus used retaliatory force upon him due to the injury Officer Holly Stoumen sustained at the hands of the complainant. Did it appear that Officer DeJesus employed force on the complainant in retaliation for the force the complainant reportedly used on Officer Stoumen? If so, explain.

6. The complainant recalled an officer was escorting him to a patrol vehicle when Officer DeJesus approached and employed force with a flashlight. SFPD Incident Report # [REDACTED] (see enclosed) reports the force used (i.e., two punches to the face) was used to take the complainant into custody. Did you observe any force used on the complainant after he was taken into custody? If so, explain what force was used, by whom, and the apparent reason(s) for its use?

7. The complainant denied he assumed a fighting stance when confronted by the arresting officers, as written in the incident report. State in detail your recollection of the complainant's "fighting stance" on this occasion. (e.g., proximity to officers, body position, accompanying words, if any, etc.)

8. The complainant stated he lost a tooth as a result of the force the officer(s) used upon him. State what you recall of any injury to the complainant on this occasion.

ARE THERE ANY WITNESSES TO THIS INCIDENT? IF SO, IDENTIFY AND PROVIDE CONTACT INFORMATION.

WOULD AN ORAL INTERVIEW AID THIS INVESTIGATION?

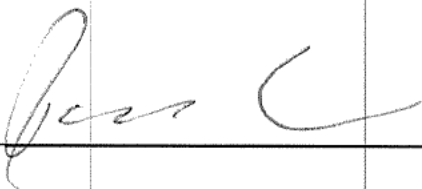
IF YES, PLEASE EXPLAIN:

ADD ANY STATEMENT YOU FEEL IS NECESSARY FOR US TO CONSIDER IN THIS INVESTIGATION.

REASON FOR THIS REQUEST: Investigation of citizen complaint.

DOCUMENTS ATTACHED: OCC Complaint Form #293, Event History Detail [REDACTED] and SFPD Incident Report [REDACTED]

MEMBER'S SIGNATURE:



DATE: 11-17-15

OCC CASE #503-05
OFC. RODNEY FITZPATRICK #114
BAYVIEW STATION

- 1) NONE.
- 2) NOT TO MY KNOWLEDGE.
- 3) NOT TO MY KNOWLEDGE.
- 4) I DO NOT KNOW.
- 5) NOT TO MY KNOWLEDGE.
- 6) NO.
- 7) I WAS NOT PRESENT WHEN HE WAS TAKEN INTO CUSTODY.
- 8) I DID NOT SEE THAT.

I DO NOT KNOW. AN ORAL INTERVIEW MAY OR MAY NOT AID IN THIS INVESTIGATION. IT SHOULD BE NOTED THAT UPON MY ARRIVAL TO THE SCENE, [REDACTED] HAD ALREADY BEEN TAKEN INTO CUSTODY.

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

PROOF OF SERVICE



Kevin Allen
Director

TO: Acting-Captain Curtis Lum / O.I.C., Bayview District Station

RE: MEMBER RESPONSE FORM FOR OCC CASE # 503-05

FROM: Mark Scafidi, OCC Investigator

DATE: October 27, 2005

MEMBER TO BE NOTIFIED: Sergeant Carl Fabbri #1815

COMMANDING OFFICER'S PROOF OF SERVICE

Date received: _____

Reason for failure to serve: _____

Date and Time served: OCT 31 2005

Date returned to OCC: NOV 3 - 2005

LT. C. ORKES #1949

Signature

Star No.

A handwritten signature in cursive script, appearing to read "Carl Fabbri".

Member's Signature

#1815

Star No.

10/31/05

Date and Time Notified

005-210

THE POLICE COMMISSION

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO



Kevin Allen
Director

OFFICE OF CITIZEN COMPLAINTS MEMBER RESPONSE FORM

TO: Sergeant Carl Fabbri #1815

RE: OCC CASE No. 503-05

FROM: Mark Scafidi, OCC Investigator

COMPLAINANT: [REDACTED]

DATE: October 27, 2005

DATE OF OCCURRENCE: March 10, 2005

RESPONSE DUE DATE: November 17, 2005

REPORT NO.: [REDACTED]

The OCC is conducting an investigation into the complaint referenced above. In order to facilitate the investigation, you are to provide a separate answer to each of the specific questions listed on the reverse side of this form.

(OVER)

INFORMATION REQUESTED:

1. On March 10, 2005, at 7:41 p.m., according to SFPD Incident Report # [REDACTED] (see enclosed), your unit was involved in the pursuit, if not the apprehension and arrest, of the complainant, [REDACTED]. The complainant alleged that Officer Luis DeJesus #247 struck him with a flashlight several times about the face, armpit, sternum and back.

State what force you observed Officer DeJesus use on the complainant on this occasion.

2. Did Officer DeJesus strike the complainant with a flashlight? If so, explain what occurred and the officer's apparent reason for striking the complainant with a flashlight.

3. Did any other officer strike the complainant with a flashlight? If so, identify that officer and state your observations regarding the circumstances in which the officer used the flashlight.

4. Identify those officers who may have witnessed the force Officer DeJesus allegedly used on the complainant.

5. The complainant's recollection of this incident inferred that Officer DeJesus used retaliatory force upon him due to the injury Officer Holly Stoumen sustained at the hands of the complainant. Did it appear that Officer DeJesus employed force on the complainant in retaliation for the force the complainant reportedly used on Officer Stoumen? If so, explain.

6. The complainant recalled an officer was escorting him to a patrol vehicle when Officer DeJesus approached and employed force with a flashlight. reports the force used (i.e., two punches to the face) was used to take the complainant into custody. Did you observe any force used on the complainant after he was taken into custody? If so, explain what force was used, by whom, and the apparent reason(s) for its use?

7. The complainant denied he assumed a fighting stance when confronted by the arresting officers, as written in the incident report. State in detail your recollection of the complainant's "fighting stance" on this occasion. (e.g., proximity to officers, body position, accompanying words, if any, etc.)

8. State what information you obtained or observed first-hand to make the Use of Force Log entry regarding this incident.

9. The complainant stated he lost a tooth as a result of the force the officer(s) used upon him. State what you recall of any injury to the complainant on this occasion.

ARE THERE ANY WITNESSES TO THIS INCIDENT? IF SO, IDENTIFY AND PROVIDE CONTACT INFORMATION.

WOULD AN ORAL INTERVIEW AID THIS INVESTIGATION?

IF YES, PLEASE EXPLAIN:

ADD ANY STATEMENT YOU FEEL IS NECESSARY FOR US TO CONSIDER IN THIS INVESTIGATION.

REASON FOR THIS REQUEST: Investigation of citizen complaint.

DOCUMENTS ATTACHED: OCC Complaint Form #293, Event History Detail [REDACTED] and SFPD Incident Report [REDACTED]

MEMBER'S SIGNATURE: _____ DATE: _____

MEMBER RESPONSE FORM

TO: MARK SCAFIDI, OCC INVESTIGATOR

FROM: SERGEANT CARL FABBRI ^{cf #1815} #1815, BAYVIEW STATION

RE: OCC 503-05

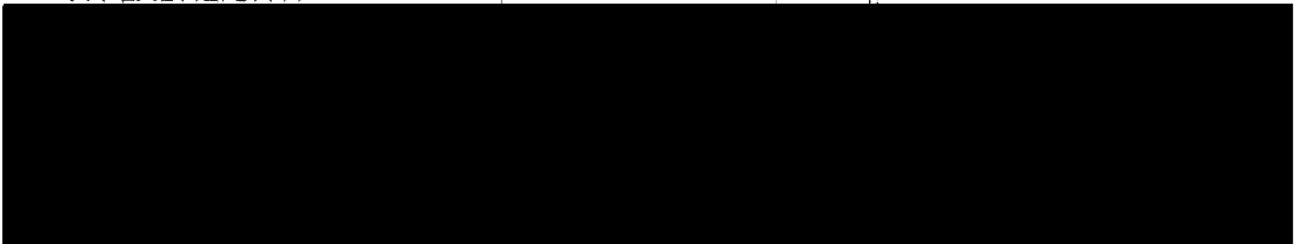
DATE: 11/01/2005

- 1) I WAS NOT PRESENT.
- 2) I WAS NOT PRESENT.
- 3) I WAS NOT PRESENT.
- 4) OFF. SCOTT #441 AND OFF. LYONS #4067
- 5) I WAS NOT PRESENT AT THE TIME FORCE WAS USED.
- 6) I WAS NOT PRESENT.
- 7) I WAS NOT PRESENT.
- 8) OFFICER DEJESUS REPORTED THE USE OF FORCE TO ME. I DID NOT SEE HIM USE THE FORCE.
- 9) TO MY KNOWLEDGE THE COMPLAINANT WAS UNINJURED AND HAD NO COMPLAINT OF PAIN.

WITNESSES: NO

INTERVIEW: NO

ADDITIONAL STATEMENT: DIGITAL PHOTOGRAPHS OF THE COMPLAINANT WERE TAKEN FOLLOWING THIS INCIDENT. I BELIEVE IF THE OCC INVESTIGATOR VIEWS THE PHOTOGRAPHS, THEY WILL SERVE AS EVIDENCE THE COMPLAINANT WAS NOT INJURED OR STRUCK WITH A FLASHLIGHT.





SAN FRANCISCO POLICE DEPARTMENT



SAN FRANCISCO, CA

OFFICE #: (415) 671-2300

FAX #: (415) 671-2345

Fax Transmittal Sheet

DATE: 11-01-2005

AGENCY: OCC

FAX NUMBER: 597-7733

ATTENTION: INV. MARK SCAFID I

SENT BY: SGT. CARL FABBRI #1815

PHONE #: [REDACTED]

COMMENTS: ORIGINAL TO FOLLOW. SUBMITTED
TO COMMANDING OFFICER, CO C.Number of pages, Including Cover Sheet: 2

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

COPY



Kevin Allen
Director

September 19, 2005

[REDACTED]

RE: Case No. 503-05

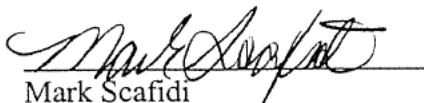
Dear [REDACTED]:

I am an investigator with the Office of Citizen Complaints (OCC) whose purpose is to investigate citizens' claims of misconduct against members of the San Francisco Police Department (SFPD). On March 10, 2005, police officers reportedly contacted and arrested [REDACTED] at [REDACTED] in San Francisco. The police report of this arrest indicates that you had been in [REDACTED] company just prior to that arrest. As such, you are a prospective witness to [REDACTED]'s arrest. If this is true, would you please call the OCC at (415) 597-7711 and ask for me or my extension #15.

Please note, I am not investigating you or any contact you may have had with San Francisco Police Officers on this occasion. My investigation is focused solely on the conduct and behavior of those police officers who contacted [REDACTED]. Our conversation will be brief and your statement will be held confidential.

Your prompt attention and reply to this letter is very much appreciated.

Sincerely,


Mark Scafidi
OCC Investigator

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

PROOF OF SERVICE



Kevin Allen
Director

TO: Acting-Captain Curtis Lum / O.I.C., Bayview District Station

RE: MEMBER RESPONSE FORM FOR OCC CASE # 503-05

FROM: Mark Scafidi, OCC Investigator

DATE: October 27, 2005

MEMBER TO BE NOTIFIED: Officer Luis DeJesus #247

COMMANDING OFFICER'S PROOF OF SERVICE:

Date received: _____

Date and Time served: NOV 02 2005

Date returned to OCC: NOV 3 - 2005

Signature _____ Star No. _____

Reason for failure to serve: _____

MEMBER'S ACKNOWLEDGMENT OF RECEIPT: Your signature acknowledges receipt of the Member Response Form and the following attachments:

____ Complaint Form ____ None

Signature Luis DeJesus Star No. 247 Date and Time Notified 11-2-05 1200

Memorandum

San Francisco Police Department



To: A/ CAPTAIN LUM
COMMANDING OFFICER
BAYVIEW STATION

From: OFFICER L. DEJESUS # 247
BAYVIEW STATION

Date: Friday, November 04, 2005

Subject: O.C.C. RESPONSE FORM

APPROVED YES NO

L. DeJesus

<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>

SIR, TODAY I PREPARED A MEMBER RESPONSE FORM TO O.C.C. CASE
NUMBER 503-05.

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO



OFFICE OF CITIZEN COMPLAINTS MEMBER RESPONSE FORM

Kevin Allen
Director

TO: Officer Luis DeJesus #247

RE: OCC CASE No. 503-05

FROM: Mark Scafidi, OCC Investigator

COMPLAINANT: [REDACTED]

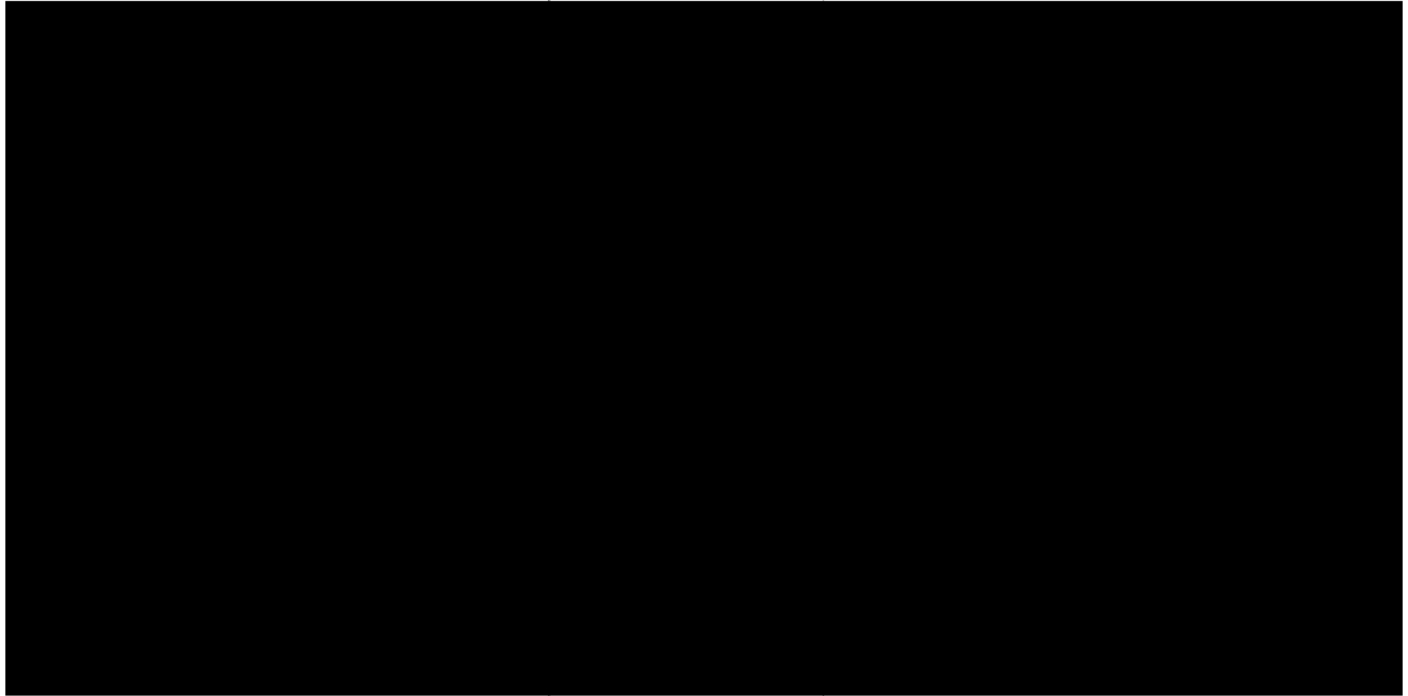
DATE: October 27, 2005

DATE OF OCCURRENCE: March 10, 2005

RESPONSE DUE DATE: October 11, 2005

REPORT NO.: [REDACTED]

The OCC is conducting an investigation into the complaint referenced above. In order to facilitate the investigation, you are to provide a separate answer to each of the specific questions listed on the reverse side of this form.



(OVER)

INFORMATION REQUESTED:

1. On March 10, 2005, at 7:41 p.m., according to your Incident Report [REDACTED] (see enclosed), you assisted other officers in taking the complainant [REDACTED] into custody. The complainant alleged that you struck him with your flashlight several times about the face, armpit, sternum and back.

State what force you used on the complainant on this occasion.

2. Did you strike the complainant with a flashlight? If so, explain what occurred and your reason for striking the complainant with a flashlight.

3. Did any other officer strike the complainant with a flashlight? If so, identify that officer and state your observations regarding the circumstances in which the officer used the flashlight.

4. Identify those officers who witnessed the force you used on the complainant, other than Officers Reginald Scott #441 and Gerald Lyons #4067 whom you reported were involved in taking the complainant into custody.

5. The complainant's recollection of this incident inferred that you used retaliatory force upon him due to the injury Officer Holly Stoumen sustained at the hands of the complainant. Did you employ any force on the complainant in retaliation for the force the complainant reportedly used on Officer Stoumen? If so, explain.

6. The complainant recalled an officer was escorting him to a patrol vehicle when you approached and employed force with a flashlight. Your incident report indicates the force used (i.e., two punches to the face) was to take the complainant into custody. Did you use any force on the complainant after he was taken into custody? If so, explain what force was used and the reason(s) for its use?

7. The complainant denied he assumed a fighting stance when confronted by the arresting officers, as written in your incident report. State in detail your recollection of the "fighting stance" with balled fists (e.g., proximity to officers, body position, accompanying words, if any, etc.) assumed by the complainant on this occasion.

8. The complainant stated he lost a tooth as a result of the force you used upon him; however, the Use of Force Log indicated the complainant suffered no injury nor made a complaint of pain. State what you recall of any injury to the complainant on this occasion.

ARE THERE ANY WITNESSES TO THIS INCIDENT? IF SO, IDENTIFY AND PROVIDE CONTACT INFORMATION.

WOULD AN ORAL INTERVIEW AID THIS INVESTIGATION?

IF YES, PLEASE EXPLAIN:

ADD ANY STATEMENT YOU FEEL IS NECESSARY FOR US TO CONSIDER IN THIS INVESTIGATION.

REASON FOR THIS REQUEST: Investigation of citizen complaint.

DOCUMENTS ATTACHED: OCC Complaint Form #293 and SFPD Incident Report [REDACTED]

MEMBER'S SIGNATURE:

Luis DeJesus

DATE: 11-11-05

OCC RESPONSE FORM
OCC CASE NUMBER 503-05
PREPARED BY OFFICER L. DEJESUS # 247

- 1) AS IT STATES IN MY INCIDENT REPORT I STRUCK [REDACTED] IN THE FACE AREA TWICE AFTER HE ASSAULTED OFFICER STOUMEN, AND SWUNG AT ME WITH A CLOSED FIST, WHILE HE WAS RESISTING ARREST.
 - 2) NO
 - 3) NOT THAT I AM AWARE OF
 - 4) I DO NOT KNOW WHAT OTHER OFFICERS WERE THERE
 - 5) NO
 - 6) NO
 - 7) AS IT STATES IN MY INCIDENT REPORT [REDACTED] JUMPED TO HIS FEET, AND TOOK A FIGHTING STANCE. HE BALLED HIS FISTS. HIS BODY POSITION WAS A FIGHTING STANCE. [REDACTED] IS APP. 508 AND WEIGHS 220 POUNDS. OFFICER SCOTT IS CONSIDERABLY SMALLER. OFFICER SCOTT, AND LYONS WERE APPROACHING [REDACTED]. OFFICER LYONS WAS CONTACTING [REDACTED] I DO NOT RECALL WHAT [REDACTED] WAS SAYING.
 - 8) [REDACTED] HAD NO VISIBLE INJURIES AND HAD NO COMPLAINT OF PAIN. I DO NOT KNOW WHO ELSE WITNESSED THIS INCIDENT
- NO
NONE

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

PROOF OF SERVICE



Kevin Allen
Director

TO: Acting-Captain Curtis Lum / O.I.C., Bayview District Station

RE: MEMBER RESPONSE FORM FOR OCC CASE # 503-05

FROM: Mark Scafidi, OCC Investigator

DATE: October 27, 2005

MEMBER TO BE NOTIFIED: Officer Romina Izaguirre #4083

COMMANDING OFFICER'S PROOF OF SERVICE:

Date received: 11/4/05
Date and Time served: 1200 HRS
Date returned to OCC: NOV 7 - 2005

Reason for failure to serve:

[Signature] 2117
Signature LT. E. QUEMA #2117 Star No.

[Signature]

Member's Signature

4083

Star No.

11/04/05 1200 CS-209
Date and Time Notified

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO



OFFICE OF CITIZEN COMPLAINTS MEMBER RESPONSE FORM

Kevin Allen
Director

TO: Officer Romina Izaguirre #4083

RE: OCC CASE No. 503-05

FROM: Mark Scafidi, OCC Investigator

COMPLAINANT: [REDACTED]

DATE: October 27, 2005

DATE OF OCCURRENCE: March 10, 2005

RESPONSE DUE DATE: November 17, 2005

REPORT NO.: [REDACTED]

The OCC is conducting an investigation into the complaint referenced above. In order to facilitate the investigation, you are to provide a separate answer to each of the specific questions listed on the reverse side of this form.

(OVER)

INFORMATION REQUESTED:

1. On March 10, 2005, at 7:41 p.m., according to SFPD Incident Report [REDACTED] (see enclosed), your unit was involved in the pursuit, if not the apprehension and arrest, of the complainant, [REDACTED]. The complainant alleged that Officer Luis DeJesus #247 struck him with a flashlight several times about the face, armpit, sternum and back.

State what force you observed Officer DeJesus use on the complainant on this occasion.

2. Did Officer DeJesus strike the complainant with a flashlight? If so, explain what occurred and the officer's apparent reason for striking the complainant with a flashlight.

3. Did any other officer strike the complainant with a flashlight? If so, identify that officer and state your observations regarding the circumstances in which the officer used the flashlight.

4. Identify those officers who may have witnessed the force Officer DeJesus allegedly used on the complainant.

5. The complainant's recollection of this incident inferred that Officer DeJesus used retaliatory force upon him due to the injury Officer Holly Stoumen sustained at the hands of the complainant. Did it appear that Officer DeJesus employed force on the complainant in retaliation for the force the complainant reportedly used on Officer Stoumen? If so, explain.

6. The complainant recalled an officer was escorting him to a patrol vehicle when Officer DeJesus approached and employed force with a flashlight. reports the force used (i.e., two punches to the face) was used to take the complainant into custody. Did you observe any force used on the complainant after he was taken into custody? If so, explain what force was used, by whom, and the apparent reason(s) for its use?

7. The complainant denied he assumed a fighting stance when confronted by the arresting officers, as written in the incident report. State in detail your recollection of the complainant's "fighting stance" on this occasion. (e.g., proximity to officers, body position, accompanying words, if any, etc.)

8. The complainant stated he lost a tooth as a result of the force the officer(s) used upon him. State what you recall of any injury to the complainant on this occasion.

ARE THERE ANY WITNESSES TO THIS INCIDENT? IF SO, IDENTIFY AND PROVIDE CONTACT INFORMATION.

WOULD AN ORAL INTERVIEW AID THIS INVESTIGATION?

IF YES, PLEASE EXPLAIN:

ADD ANY STATEMENT YOU FEEL IS NECESSARY FOR US TO CONSIDER IN THIS INVESTIGATION.

REASON FOR THIS REQUEST: Investigation of citizen complaint.

DOCUMENTS ATTACHED: OCC Complaint Form #293, Event History Detail [REDACTED], and SFPD Incident Report [REDACTED]

MEMBER'S SIGNATURE: _____ DATE: _____

Re: OCC Case No. 503-05
Complainant: [REDACTED]
Report No: [REDACTED]
To: Officer Izaguirre #4083

1. I did not observe any force by Officer Dejesus toward complainant [REDACTED].
2. I did not observe Officer Dejesus strike the complainant with a flashlight.
3. I did not observe any other officer strike the complainant with a flashlight.
4. I would not be able to identify any officers that may have witnessed any alleged force.
5. I did not observe any inferred retaliation force because I was not at the scene where the complainant was placed under custody.
6. I did not observe any force used on the complainant after he was taken into custody because I was not there.
7. I do not have any recollection of the complainant's "fighting stance" on this occasion because I was not there.
8. I do not recall any injury to the complainant.

The only witnesses to this incident could be the Officers that placed the complainant under custody. (See CAD history)

An oral interview would not aid in this investigation because I was not a witness to the complainant being placed under custody or transportation.

A statement I feel is necessary for you to consider in this investigation as stated earlier, I was not present when the complainant was placed under custody and/or transported to Bayview Station.

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

PROOF OF SERVICE



Kevin Allen
Director

TO: Acting-Captain Curtis Lum / O.I.C., Bayview District Station

RE: MEMBER RESPONSE FORM FOR OCC CASE # 503-05

FROM: Mark Scafidi, OCC Investigator

DATE: October 27, 2005

MEMBER TO BE NOTIFIED: Officer Gerald Lyons #4067

COMMANDING OFFICER'S PROOF OF SERVICE:

Date received: _____

Date and Time served: OCT 31 2005

Date returned to OCC: NOV 3 - 2005

LT. C. ORKES #1949

Signature

Star No.

Reason for failure to serve:

[Signature]
Member's Signature

#4067
Star No.

10-31-05 1540 HRS.
Date and Time Notified

C-05-211

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO



OFFICE OF CITIZEN COMPLAINTS MEMBER RESPONSE FORM

Kevin Allen
Director

TO: Officer Gerald Lyons #4067

RE: OCC CASE No. 503-05

FROM: Mark Scafidi, OCC Investigator

COMPLAINANT: [REDACTED]

DATE: October 27, 2005

DATE OF OCCURRENCE: March 10, 2005

RESPONSE DUE DATE: November 17, 2005

REPORT NO.: [REDACTED]

The OCC is conducting an investigation into the complaint referenced above. In order to facilitate the investigation, you are to provide a separate answer to each of the specific questions listed on the reverse side of this form.

(OVER)

INFORMATION REQUESTED:

1. On March 10, 2005, at 7:41 p.m., according to SFPD Incident Report [REDACTED] (see enclosed), you were involved in the apprehension and arrest of the complainant, [REDACTED], at [REDACTED]. The complainant stated that, as a result of his apprehension and arrest, Officer Luis DeJesus #247 struck him with a flashlight several times about the face, armpit, sternum and back.

State what force you observed Officer DeJesus use on the complainant on this occasion.

2. Did Officer DeJesus strike the complainant with a flashlight? If so, explain what occurred and the officer's apparent reason for striking the complainant with a flashlight.

3. Did any other officer strike the complainant with a flashlight? If so, identify that officer and state your observations regarding the circumstances in which the officer used the flashlight.

4. Identify those officers who may have witnessed the force Officer DeJesus allegedly used on the complainant.

5. The complainant's recollection of this incident inferred that Officer DeJesus used retaliatory force upon him due to the injury Officer Holly Stoumen sustained at the hands of the complainant. Did it appear that Officer DeJesus employed force on the complainant in retaliation for the force the complainant reportedly used on Officer Stoumen? If so, explain.

6. The complainant recalled an officer was escorting him to a patrol vehicle when Officer DeJesus approached and employed force with a flashlight. The incident report indicated that the force Officer DeJesus used (i.e., two punches to the face) was done to take the complainant into custody. Did you observe any force used on the complainant after he was taken into custody? If so, explain what force was used, by whom, and the apparent reason(s) for its use?

7. The complainant denied he assumed a fighting stance when confronted by the arresting officers, as written in the incident report. State in detail your recollection of the complainant's "fighting stance" on this occasion. (e.g., proximity to officers, body position, accompanying words, if any, etc.)

8. The complainant stated he lost a tooth as a result of the force the officer(s) used upon him. State what you recall of any injury to the complainant on this occasion.

ARE THERE ANY WITNESSES TO THIS INCIDENT? IF SO, IDENTIFY AND PROVIDE CONTACT INFORMATION.

WOULD AN ORAL INTERVIEW AID THIS INVESTIGATION?

IF YES, PLEASE EXPLAIN:

ADD ANY STATEMENT YOU FEEL IS NECESSARY FOR US TO CONSIDER IN THIS INVESTIGATION.

REASON FOR THIS REQUEST: Investigation of citizen complaint.

DOCUMENTS ATTACHED: OCC Complaint Form #293, Event History Detail [REDACTED] and SFPD Incident Report [REDACTED]

MEMBER'S SIGNATURE:

Gerald Lyons #4067

DATE: 11-7-05

TO: MARK SCAFIDI - OCC INVESTIGATOR

FROM: OFC. GERALD LYONS #4067
BAYVIEW STATION

MEMBER RESPONSE FORM FOR OCC COMPLAINT #503-05

- 1) BECAUSE IT WAS VERY DARK, I ONLY OBSERVED THAT I WAS STRUGGLING WITH [REDACTED] ALONG WITH OFC. SCOTT AND OFC. DEJESUS.
- 2) I DID NOT SEE ANYONE STRIKE [REDACTED] WITH A FLASHLIGHT.
- 3) NO.
- 4) I RECALL THAT MYSELF, OFC. DEJESUS AND OFC. SCOTT WERE STRUGGLING TO TAKE [REDACTED] INTO CUSTODY. WE WERE DEEP IN THE IVY BUSHES AND IT WAS VERY DARK. [REDACTED]'S ARMS AND LEGS WERE FLAILING AND HE WAS TRYING TO THROW PUNCHES AT ME.
- 5) I DON'T KNOW WHAT OFC. DEJESUS STATE OF MIND WAS, WE WERE TRYING TO TAKE [REDACTED] INTO CUSTODY AND HE FOUGHT WITH US.
- 6) NO.
- 7) OFC. SCOTT CAME UPON [REDACTED] [REDACTED] MOMENTS PRIOR TO ME. AS I TURNED THE CORNER OF THE FENCE LINE, I OBSERVED OFC. SCOTT ILLUMINATING [REDACTED] WITH HIS FLASHLIGHT AND HE WAS DIRECTING HIM TO COMPLY WITH HIS ORDERS. OFC. SCOTT HAD PULLED HIS DEPARTMENT ISSUE FIREARM, BECAUSE [REDACTED] DID NOT COMPLY TO OFC. SCOTT'S DIRECTIVES. WHEN I FIRST SAW MR. [REDACTED] HE WAS STANDING WITH HIS HANDS IN FRONT OF HIS BODY AND BOTH FISTS WERE CLENCHED. AS I MOVED TOWARDS HIM TO PLACE HIM IN HANDCUFFS, HE PUSHED ME AND I BROUGHT HIM TO THE GROUND. HE CONTINUED TO FIGHT AND STRUGGLE WITH THE ABOVE OFFICERS, UNTIL I PUT HANDCUFFS ON HIM.
- 8) I DON'T RECALL MR. [REDACTED] SUFFERING ANY INJURIES AND I DID NOT SEE ANY.
- 9) I BELIEVE ALL WITNESSES ARE IN THE INCIDENT REPORT.
- 10) I HAVE READ THE INCIDENT REPORT AND I FEEL THE REPORT REPRESENTS THE FACTS OF THIS INCIDENT.

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

PROOF OF SERVICE



Kevin Allen
Director

TO: Acting-Captain Curtis Lum / O.I.C., Bayview District Station

RE: MEMBER RESPONSE FORM FOR OCC CASE # 503-05

FROM: Mark Scafidi, OCC Investigator

DATE: October 27, 2005

MEMBER TO BE NOTIFIED: Officer James Aherne #1095

COMMANDING OFFICER'S PROOF OF SERVICE:

Date received: _____

Date and Time served: NOV 02 2005

Date returned to OCC: NOV 3 - 2005

10-27-05 091949

Signature

Star No.

Reason for failure to serve:

Member's Signature

Star No.

Date and Time Notified

INFORMATION REQUESTED:

1. State what role/involvement you had during the pursuit, apprehension and arrest of the complainant, [REDACTED], on March 10, 2005, at 7:41 p.m. (see enclosed SFPD Incident Report [REDACTED] and CAD [REDACTED]). The complainant alleged that, during this incident, Officer Luis DeJesus #247 struck him with a flashlight several times about the face, armpit, sternum and back.

State what force you observed Officer DeJesus use on the complainant on this occasion.

2. Did Officer DeJesus strike the complainant with a flashlight? If so, explain what occurred and the officer's apparent reason for striking the complainant with a flashlight.

3. Did you or any other officer strike the complainant with a flashlight? If so, identify that officer and state your observations regarding the circumstances in which the officer used the flashlight.

4. Identify those officers who may have witnessed the force Officer DeJesus allegedly used on the complainant.

5. The complainant's recollection of this incident inferred that Officer DeJesus used retaliatory force upon him due to the injury Officer Holly Stoumen sustained at the hands of the complainant. Did it appear that Officer DeJesus employed force on the complainant in retaliation for the force the complainant reportedly used on Officer Stoumen? If so, explain.

6. The complainant recalled an officer was escorting him to a patrol vehicle when Officer DeJesus approached and employed force with a flashlight. The incident report indicated that the force Officer DeJesus used (i.e., two punches to the face) was done to take the complainant into custody. Did you observe any force used on the complainant after he was taken into custody? If so, explain what force was used, by whom, and the apparent reason(s) for its use?

7. The complainant denied he assumed a fighting stance when confronted by the arresting officers, as written in the incident report. State in detail your recollection of the complainant's "fighting stance" on this occasion. (e.g., proximity to officers, body position, accompanying words, if any, etc.)

8. The complainant stated he lost a tooth as a result of the force the officer(s) used upon him. State what you recall of any injury to the complainant on this occasion.

ARE THERE ANY WITNESSES TO THIS INCIDENT? IF SO, IDENTIFY AND PROVIDE CONTACT INFORMATION.

WOULD AN ORAL INTERVIEW AID THIS INVESTIGATION?

IF YES, PLEASE EXPLAIN:

ADD ANY STATEMENT YOU FEEL IS NECESSARY FOR US TO CONSIDER IN THIS INVESTIGATION.

REASON FOR THIS REQUEST: Investigation of citizen complaint.

DOCUMENTS ATTACHED: OCC Complaint Form #293, Event History Detail [REDACTED], and SFPD Incident Report [REDACTED]

MEMBER'S SIGNATURE: _____ DATE: _____

Member Response

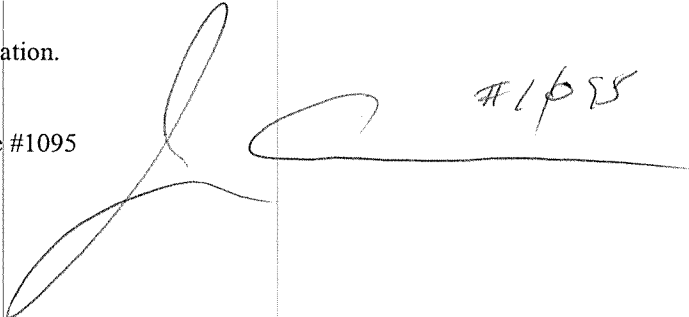
To: OCC Investigator Mark Scafidi
From: Officer James Aherne #1095
Regarding: Member Response to OCC Case #503-05

1. I had no involvement in the pursuit, apprehension and arrest of the complainant. I responded to the scene to assist, but the suspect was in custody by the time I arrived. I did not observe the arrest of the suspect or witness officer Dejesus use any force.
2. As stated above I was not present when the complainant was arrested.
3. I did not strike the complainant with a flashlight nor did I witness any other officer strike the complainant with a flashlight.
4. I was not present when the complainant was arrested and I did not witness Ofc. Dejesus use any force. I do not know of any officers who may have witnessed Ofc. Dejesus use force on the complainant.
5. I did not witness the arrest or any force used on the complainant.
6. I did not observe the complainant until he was at Bayview Station and I did not observe any officer use force on the complainant after he was arrested.
7. I was not present at the time of arrest.
8. I do not recall the complainant having any visible injuries.

I do not know of any witnesses to this incident

An Oral interview would not aid this investigation.

Officer James Aherne #1095



#1095

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

PROOF OF SERVICE



Kevin Allen
Director

TO: Acting-Captain Curtis Lum / O.I.C., Bayview District Station

RE: MEMBER RESPONSE FORM FOR OCC CASE # 503-05

FROM: Mark Scafidi, OCC Investigator

DATE: October 27, 2005

MEMBER TO BE NOTIFIED: Officer Reginald Scott #441

COMMANDING OFFICER'S PROOF OF SERVICE:

Date received: _____

Date and Time served: OCT 31 2005

Date returned to OCC: NOV 3 - 2005

Reason for failure to serve:

LT. C. ORKES #1949

Signature

Star No.

R. Scott

Member's Signature

441

Star No.

10-31-05

Date and Time Notified

ISSUED 10-31-05

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO



OFFICE OF CITIZEN COMPLAINTS MEMBER RESPONSE FORM

Kevin Allen
Director

TO: Officer Reginald Scott #441

RE: OCC CASE No. 503-05

FROM: Mark Scafidi, OCC Investigator

COMPLAINANT: [REDACTED]

DATE: October 27, 2005

DATE OF OCCURRENCE: March 10, 2005

RESPONSE DUE DATE: November 17, 2005

REPORT NO.: [REDACTED]

The OCC is conducting an investigation into the complaint referenced above. In order to facilitate the investigation, you are to provide a separate answer to each of the specific questions listed on the reverse side of this form.

(OVER)

INFORMATION REQUESTED:

1. On March 10, 2005, at 7:41 p.m., according to Department records, your unit arrested the complainant, [REDACTED] [REDACTED]. The complainant stated that, as a result of his apprehension and arrest, Officer Luis DeJesus #247 struck him with a flashlight several times about the face, armpit, sternum and back.

State what force you observed Officer DeJesus use on the complainant on this occasion.

2. Did Officer DeJesus strike the complainant with a flashlight? If so, explain what occurred and the officer's apparent reason for striking the complainant with a flashlight.

3. Did any other officer strike the complainant with a flashlight? If so, identify that officer and state your observations regarding the circumstances in which the officer used the flashlight.

4. Identify those officers who may have witnessed the force Officer DeJesus allegedly used on the complainant.

5. The complainant's recollection of this incident inferred that Officer DeJesus used retaliatory force upon him due to the injury Officer Holly Stoumen sustained at the hands of the complainant. Did it appear that Officer DeJesus employed force on the complainant in retaliation for the force the complainant reportedly used on Officer Stoumen? If so, explain.

6. The complainant recalled an officer was escorting him to a patrol vehicle when Officer DeJesus approached and employed force with a flashlight. SFPD Incident Report [REDACTED] (see enclosed) reports the force used (i.e., two punches to the face) was used to take the complainant into custody. Did you observe any force used on the complainant after he was taken into custody? If so, explain what force was used, by whom, and the apparent reason(s) for its use?

7. The complainant denied he assumed a fighting stance when confronted by the arresting officers, as written in the incident report. State in detail your recollection of the complainant's "fighting stance" on this occasion. (e.g., proximity to officers, body position, accompanying words, if any, etc.)

8. The complainant stated he lost a tooth as a result of the force the officer(s) used upon him. State what you recall of any injury to the complainant on this occasion.

ARE THERE ANY WITNESSES TO THIS INCIDENT? IF SO, IDENTIFY AND PROVIDE CONTACT INFORMATION.

WOULD AN ORAL INTERVIEW AID THIS INVESTIGATION?

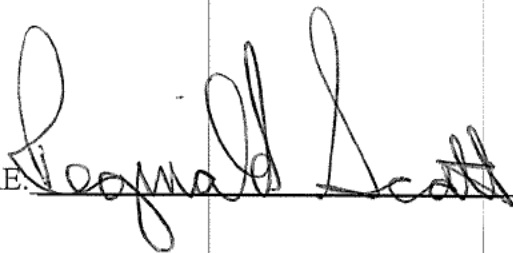
IF YES, PLEASE EXPLAIN:

ADD ANY STATEMENT YOU FEEL IS NECESSARY FOR US TO CONSIDER IN THIS INVESTIGATION.

REASON FOR THIS REQUEST: Investigation of citizen complaint.

DOCUMENTS ATTACHED: OCC Complaint Form #293, Event History Detail [REDACTED], and SFPD Incident Report [REDACTED]

MEMBER'S SIGNATURE:

A handwritten signature in black ink, appearing to read "Reginald Scott", written over a horizontal line.

DATE: 11-08-05

TO: MARK SCAFIDI OCC INVESTIGATOR

FROM: OFC. R. SCOTT #441
BAYVIEW STATION

MEMBER RESPONSE FORM FOR OCC COMPLAINT #503-05

1). ON THE DATE OF MARCH 10, AT APPROXIMATELY 1941 HRS, I SAW [REDACTED] HIDING IN TALL SHRUBS AND IVY, I HAD MY DUTY WEAPON IN MY RIGHT HAND AND FLASHLIGHT IN MY LEFT. MY ACTIONS WERE BASED ON THE FACT THAT AN OFFICER STATED OVER THE PIC RADIO THAT THIS SUBJECT MY BE IN POSSESSION OF A GUN. I CALLED OUT MY LOCATION AND OBSERVATIONS OVER THE RADIO. I INSTRUCTED [REDACTED] TO PLACE HIS HANDS IN THE AIR WHICH HE DID NOT COMPLY. I HELD HIM AT GUN POINT UNTIL OFFICERS' LYONS AND DEJESUS ARRIVED. [REDACTED] STOOD UP AND TOOK A FIGHTING STANCE, BALLING HIS FIST. I SHINED MY FLASH LIGHT NEAR THE LOCATION OF HIS HANDS AND DID NOT SEE A WEAPON. I MAINTAINED GUN POINT AND OFFICERS LYONS AND DEJESUS CONTACTED [REDACTED] AND WERE STRUGGLING WITH HIM. I HOLSTERD MY WEAPON AND PUT AWAY MY FLASHLIGHT AND ASSISTED THE OFFICERS IN HANDCUFFING [REDACTED] WITHOUT FURTHER INCIDENT. I DID NOT SEE EIGHTER OFFICER STRIKE [REDACTED] WITH A FLASLIGHT.

2). I DID NOT SEE ANY OFFICER STRIKE [REDACTED] WITH A FLASHLIGHT OR ANY OTHER OBJECT.

3). NO

4). I DON'T RECALL THAT ANY OTHER OFFICERS WERE PRESENT DURING THE TIME [REDACTED] WAS TAKEN INTO CUSTODY.

5). I ONLY OBSERVED THE AMOUNT OF FORCE NECESSARY IN ORDER TO SUBDUE [REDACTED] AND PLACE HIM INTO HANDCUFFS.

6). NO

7). [REDACTED] TOOK A FIGHTING STANCE AND BEGAN TO FIGHT THE FIRST ARRESTING OFFICERS.

8). I DID NOT SEE ANY VISABLE INJURIES NOR DID [REDACTED] COMPLAIN OF ANY INJURIES DURING THIS INCIDENT.

9) REFER TO THE INCIDENT REPORT AND CAD PRINT OUT.

10). THE INCIDENT REPORT CLEARY REFLECTS AN ACCURATE ACCOUNT OF THE EVENTS ON THE DATE OF MARCH 10, 2005 AT 1941 HRS. I DON'T FEEL THAT AN INTERVIEW WOULD BE NECESSARY REGARDING THIS INCIDENT.

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

PROOF OF SERVICEKevin Allen
Director

TO: Acting-Captain Curtis Lum / O.I.C., Bayview District Station

RE: MEMBER RESPONSE FORM FOR OCC CASE # 503-05

FROM: Mark Scafidi, OCC Investigator

DATE: October 27, 2005

MEMBER TO BE NOTIFIED: Officer Sean Archini #1500

COMMANDING OFFICER'S PROOF OF SERVICE:

Date received: _____

Date and Time served: NOV 02 2005Date returned to OCC: NOV 3 - 2005

Reason for failure to serve: _____

L.T. C. OFFICER #1500

Signature

Star No.

Member's Signature

Star No.

Date and Time Notified

Memorandum

San Francisco Police Department



To: CAPTAIN ALBERT PARDINI
COMMANDING OFFICER
BAYVIEW STATION

From: OFFICER ARCHINI #1500
BAYVIEW STATION

Date: Sunday, November 13, 2005

Subject: O.C.C. CASE # 503-05

APPROVED

YES

NO

NCAP
Li. Curtis *CP* #2128 ☐ ☐
LT. E. QUEMA #2117 ☒ ☐
EW

ATTACHED ARE THE ANSWERS TO MY O.C.C. MEMBERS RESPONSE FORM CONCERNING O.C.C. CASE # 503-05. I HAVE COMPLETED AND SUBMITTED THE O.C.C. MEMBERS RESPONSE FORM.

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO



OFFICE OF CITIZEN COMPLAINTS MEMBER RESPONSE FORM

Kevin Allen
Director

TO: Officer Sean Archini #1500

RE: OCC CASE No. 503-05

FROM: Mark Scafidi, OCC Investigator

COMPLAINANT: [REDACTED]

DATE: October 27, 2005

DATE OF OCCURRENCE: March 10, 2005

RESPONSE DUE DATE: November 17, 2005

REPORT NO.: [REDACTED]

The OCC is conducting an investigation into the complaint referenced above. In order to facilitate the investigation, you are to provide a separate answer to each of the specific questions listed on the reverse side of this form.

(OVER)

INFORMATION REQUESTED:

1. On March 10, 2005, at 7:41 p.m., according to CAD [REDACTED] (see enclosed), your unit was involved in the pursuit of the complainant, [REDACTED], at [REDACTED], and transported him to the police station. The complainant stated that your unit was parked nearby when Officer Luis DeJesus #247 struck him with a flashlight several times about the face, armpit, sternum and back.

State what force you observed Officer DeJesus use on the complainant on this occasion.

2. Did Officer DeJesus strike the complainant with a flashlight? If so, explain what occurred and the officer's apparent reason for striking the complainant with a flashlight.

3. Did any other officer strike the complainant with a flashlight? If so, identify that officer and state your observations regarding the circumstances in which the officer used the flashlight.

4. Identify those officers who may have witnessed the force Officer DeJesus allegedly used on the complainant.

5. The complainant's recollection of this incident inferred that Officer DeJesus used retaliatory force upon him due to the injury Officer Holly Stoumen sustained at the hands of the complainant. Did it appear that Officer DeJesus employed force on the complainant in retaliation for the force the complainant reportedly used on Officer Stoumen? If so, explain.

6. The complainant recalled an officer was escorting him to a patrol vehicle when Officer DeJesus approached and employed force with a flashlight. The incident report indicated that the force Officer DeJesus used (i.e., two punches to the face) was done to take the complainant into custody. Did you observe any force used on the complainant after he was taken into custody? If so, explain what force was used, by whom, and the apparent reason(s) for its use?

7. The complainant denied he assumed a fighting stance when confronted by the arresting officers, as written in the incident report. State in detail your recollection of the complainant's "fighting stance" on this occasion. (e.g., proximity to officers, body position, accompanying words, if any, etc.)

8. The complainant stated he lost a tooth as a result of the force the officer(s) used upon him. State what you recall of any injury to the complainant on this occasion.

ARE THERE ANY WITNESSES TO THIS INCIDENT? IF SO, IDENTIFY AND PROVIDE CONTACT INFORMATION.

WOULD AN ORAL INTERVIEW AID THIS INVESTIGATION?

IF YES, PLEASE EXPLAIN:

ADD ANY STATEMENT YOU FEEL IS NECESSARY FOR US TO CONSIDER IN THIS INVESTIGATION.

REASON FOR THIS REQUEST: Investigation of citizen complaint.

DOCUMENTS ATTACHED: OCC Complaint Form #293, Event History Detail [REDACTED], and SFPD Incident Report [REDACTED]

MEMBER'S SIGNATURE: _____ DATE: _____

TO: O.C.C. INVESTIGATOR MARK SCAFIDI

FROM: OFFICER ARCHINI #1500 BAYVIEW STATION

RE: O.C.C. CASE # 503-05

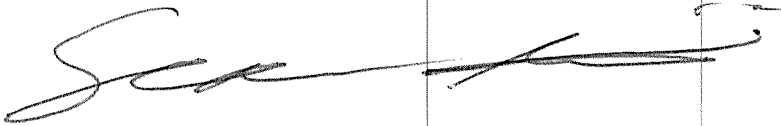
HERE ARE THE ANSWERS TO YOUR QUESTIONS:

- 1) I OBSERVED OFFICER DEJESUS TO NOT USE ANY FORCE AGAINST THE COMPLAINTANT.
- 2) I DID NOT OBSERVE OFFICER DEJESUS STRIKE THE COMPLAINTANT WITH A FLASHLIGHT.
- 3) I DID NOT OBSERVE ANY OTHER OFFICER STRIKE THE COMPLAINTANT WITH A FLASHLIGHT.
- 4) I COULD NOT IDENTIFY ANY OFFICERS THAT MAY HAVE WITNESSED THE ALLEGED FORCE ON THE COMPLAINTANT, EXCEPT FOR WHAT IS STATED IN THE REPORT.
- 5) I DID NOT OBSERVE OFFICER DE JESUS USE ANY FORCE ON THE COMPLAINTANT.
- 6) I DID NOT OBSERVE ANY FORCE USED ON THE COMPLAINTANT AFTER HE WAS IN CUSTODY.
- 7) I WAS NOT PRESENT WHEN THE COMPLAINTANT WAS TAKEN INTO CUSTODY AN TOOK HIS FIGHTING STANCE.
- 8) I DO NOT RECALL ANY INJURIES PRESENT ON THE COMPLAINTANT.

NO OTHER WITNESSES I AM AWARE OF BESIDES THE OFFICERS MENTIONED IN THE REPORT.

NO

NONE



#1500

11-13-05

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

PROOF OF SERVICE



Kevin Allen
Director

TO: Acting-Captain Curtis Lum / O.I.C., Bayview District Station

RE: MEMBER RESPONSE FORM FOR OCC CASE # 503-05

FROM: Mark Scafidi, OCC Investigator

DATE: October 27, 2005

MEMBER TO BE NOTIFIED: Officer Holly Stoumen #1677

COMMANDING OFFICER'S PROOF OF SERVICE:

Date received: _____

Date and Time served: OCT 31 2005

Date returned to OCC: NOV 3 - 2005

LT. C. ORKES #1949

Signature

Star No.

Reason for failure to serve:

Holly Stoumen
Member's Signature

1677
Star No.

10-31-05 16:00 1677-214
Date and Time Notified

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO



Kevin Allen
Director

OFFICE OF CITIZEN COMPLAINTS MEMBER RESPONSE FORM

TO: Officer Holly Stoumen #1677

RE: OCC CASE No. 503-05

FROM: Mark Scafidi, OCC Investigator

COMPLAINANT: [REDACTED]

DATE: October 27, 2005

DATE OF OCCURRENCE: March 10, 2005

RESPONSE DUE DATE: November 17, 2005

REPORT NO.: [REDACTED]

The OCC is conducting an investigation into the complaint referenced above. In order to facilitate the investigation, you are to provide a separate answer to each of the specific questions listed on the reverse side of this form.



(OVER)

INFORMATION REQUESTED:

1. On March 10, 2005, at 7:41 p.m., you were involved in the pursuit, if not the apprehension and arrest, of the complainant, [REDACTED], according to CAD [REDACTED] and SFPD Incident Report # [REDACTED] (see enclosed). During his arrest, the complainant alleged that Officer Luis DeJesus #247 struck him with a flashlight several times about the face, armpit, sternum and back.

State what force you observed Officer DeJesus use on the complainant on this occasion.

2. Did Officer DeJesus strike the complainant with a flashlight? If so, explain what occurred and the officer's apparent reason for striking the complainant with a flashlight.

3. Did any other officer strike the complainant with a flashlight? If so, identify that officer and state your observations regarding the circumstances in which the officer used the flashlight.

4. Identify those officers who may have witnessed the force Officer DeJesus allegedly used on the complainant.

5. The complainant's recollection of this incident inferred that Officer DeJesus used retaliatory force upon him due to the injury to you sustained at the hands of the complainant. Did it appear that Officer DeJesus employed force on the complainant in retaliation for the force the complainant reportedly used on you? If so, explain.

6. The complainant recalled an officer was escorting him to a patrol vehicle when Officer DeJesus approached and employed force with a flashlight. The Incident Report reports Officer DeJesus' force used on the complainant as two punches to the face, which was done to take the complainant into custody. Did you observe any force used on the complainant after he was taken into custody? If so, explain what force was used, by whom, and the apparent reason(s) for its use?

7. The complainant denied he assumed a fighting stance when confronted by the arresting officers, as written in the incident report. State in detail your recollection of the complainant's "fighting stance" on this occasion. (e.g., proximity to officers, body position, accompanying words, if any, etc.)

8. The complainant stated he lost a tooth as a result of the force the officer(s) used upon him. State what you recall of any injury to the complainant on this occasion.

ARE THERE ANY WITNESSES TO THIS INCIDENT? IF SO, IDENTIFY AND PROVIDE CONTACT INFORMATION.

WOULD AN ORAL INTERVIEW AID THIS INVESTIGATION?

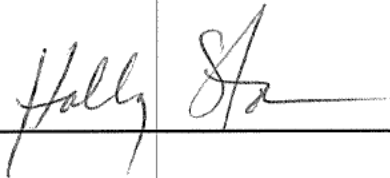
IF YES, PLEASE EXPLAIN:

ADD ANY STATEMENT YOU FEEL IS NECESSARY FOR US TO CONSIDER IN THIS INVESTIGATION.

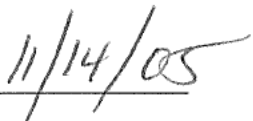
REASON FOR THIS REQUEST: Investigation of citizen complaint.

DOCUMENTS ATTACHED: OCC Complaint Form #293, Event History Detail # [REDACTED], and SFPD Incident Report # [REDACTED]

MEMBER'S SIGNATURE:



DATE:



TO: MARK SCAFIDI-OCC INVESTIGATOR

FROM: OFC. HOLLY STOUMEN #1677, Bayview Station.

MEMBER RESPONSE FORM FOR OCC COMPLAINT #503-05

- 1. I WAS NOT AT THE END OF THE FOOT PURSUIT. I WAS INJURED DURING THE INCIDENT BY [REDACTED] AND HAD STAYED BACK FROM THE AREA WHERE HE WAS TAKEN INTO CUSTODY.**
- 2. I DO NOT KNOW, I WAS NOT THERE.**
- 3. I DO NOT KNOW, I WAS NOT THERE.**
- 4. I DO NOT KNOW, I WAS NOT THERE.**
- 5. I DO NOT KNOW, I WAS NOT THERE.**
- 6. NO, I DO NOT KNOW.**
- 7. I DO NOT KNOW, I WAS NOT THERE.**
- 8. I SAW [REDACTED] [REDACTED] AT THE STATION, HE HAD ALL HIS TEETH.**
- 9. ALL WITNESSES ARE IN THE INCIDENT REPORT.**
- 10. I HAVE READ THE INCIDENT REPORT AND THE REPORT REPRESENTS THE FACTS OF THIS INCIDENT.**

*Holly M. Stoumen #1677
11/14/05*

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO



Kevin Allen
Director

OFFICE OF CITIZEN COMPLAINTS MEMBER RESPONSE FORM

TO: Officer James Aherne #1095

RE: OCC CASE No. 503-05

FROM: Mark Scafidi, OCC Investigator

COMPLAINANT: [REDACTED]

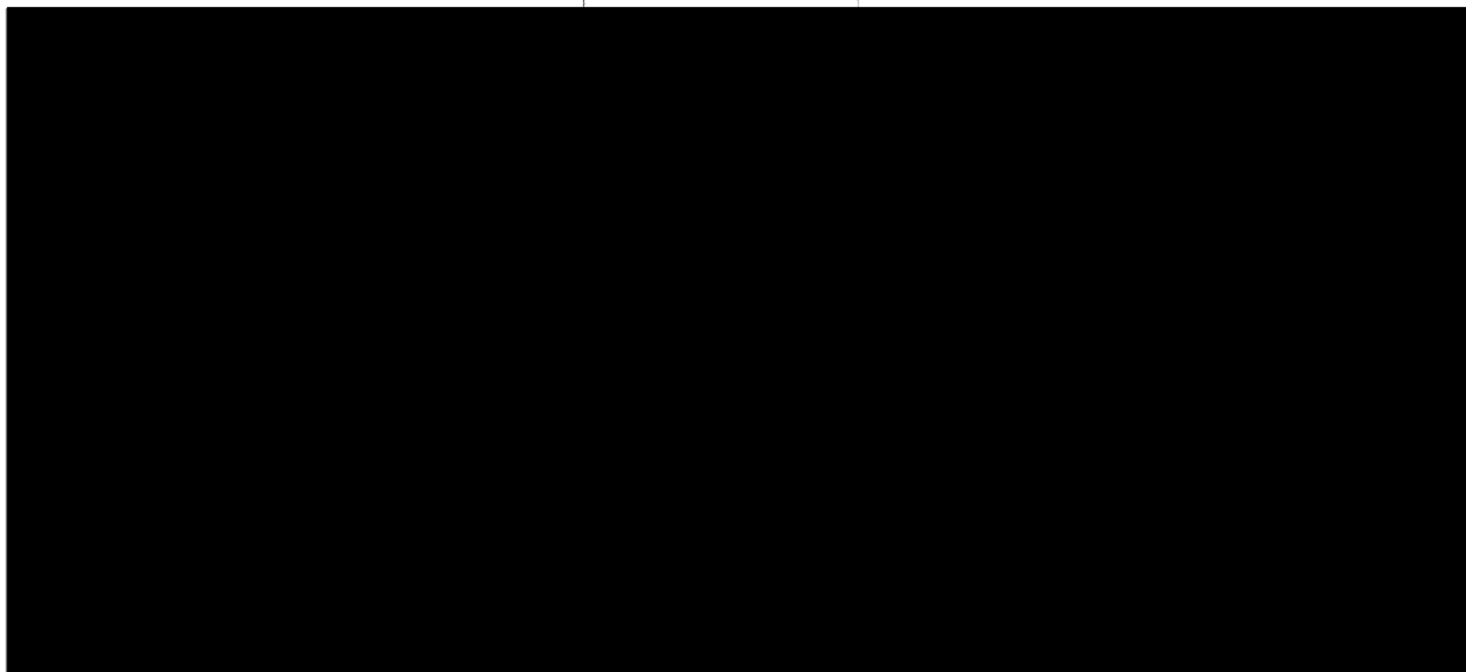
DATE: October 27, 2005

DATE OF OCCURRENCE: March 10, 2005

RESPONSE DUE DATE: November 17, 2005

REPORT NO.: [REDACTED]

The OCC is conducting an investigation into the complaint referenced above. In order to facilitate the investigation, you are to provide a separate answer to each of the specific questions listed on the reverse side of this form.



(OVER)

Tiburon, Inc. EVENT HISTORY DETAIL: [REDACTED]
SAN FRANCISCO POLICE

07-22-05

08:29

[REDACTED] C 000 [REDACTED] SF
(D=3C DEAD END & HUDSON AV) C3
19:41:06 DP05 ON-VIEW 3C00:P, .BLKJ JKT WHI TSHIRT
19:41:13 DP12 MISC 3C00, RUNNING TWDS CASHMIER
19:41:18 DP05 MISC 3C00, CASHMERE
19:41:27 DP05 BACK-ENR 3C00 506:UN, CD3
19:41:33 DP05 MISC 3C00, DEAD END OF CAHSMERE
19:41:33 DP12 MISC 3C00, ON CASHMIER ///
19:41:35 DP08 MISC 3C00, C/33 DEAD END OF CASHMERE
19:41:40 DP05 NEWLOC LOCATION:WP/CASH-->[REDACTED] (D=3C DEAD END &
HUDSON AV) RD: -->351
19:41:50 DP05 MISC 3C00, AUTHORIZING CD3 RESPONSE
19:41:54 DP05 MISC 506, CD3
19:41:56 DP08 MISC 3C00, C3 RESP AUTHORIZED
19:42:01 DP05 BACK-ENR 3C00 3C38C:P
19:42:01 DP05 PERS-ID 3C38C [REDACTED]>FITZPATRICK RODNEY E/0114
19:42:07 DP05 MISC 3C38C, THEY ARE OK
19:42:12 DP12 BACK-ENR 3C00 3C13D:P
19:42:12 DP12 PERS-ID 3C13D [REDACTED]>ARCHINI SEAN M/1500 [REDACTED]KENNEY MATTHEW
G/0572
19:42:20 DP05 NEWLOC LOCATION:[REDACTED] (D=3C DEAD END & HUDSON
AV)-->[REDACTED] (D=3C DEAD END & HUDSON AV),
EVERYONE IS OK -- SLO DOWN UNITS
19:42:20 M414 BACK-ENR 3C13D 3C17D:P
19:42:20 M414 PERS-ID 3C17D [REDACTED]>RODRIGUEZ DAVID E/0156 [REDACTED]>CHU THOMAS
M/4200
19:42:27 DP05 BACK-ENR 3C00 3C15D:P
19:42:27 DP05 PERS-ID 3C15D <[REDACTED]>OLSON JOSHUA S/4051 [REDACTED]>CALAUNAN REX
F/0058
19:42:28 DP05 ONSCENE 3C15D
19:42:29 DP12 MISC 3C00, 20 CASHMIER /// UNITS ARE OK,
19:42:30 DP05 ONSCENE 3C13D
19:42:46 M146 BACK-ENR 3C13D 3C11D:P
19:42:46 M146 PERS-ID 3C11D <[REDACTED]>FESTA GIUSEPPE/1685 [REDACTED]>CRUZ RAYMOND
H/1668
19:42:51 DP05 BACK-ENR 3C00 3C38I:P, 3/4 LENGTH BLK LEATHER JKT WHI TSHIRT 5'6
DARK COMPL BUSHY HAIR
19:42:51 DP05 PERS-ID 3C38I [REDACTED]STOUMEN HOLLY M/1677
19:43:10 M425 BACK-ENR 3C13D 4T94:UN
19:43:10 M425 PERS-ID 4T94 [REDACTED] M/0820
19:43:10 DP12 MISC 3C38I, 3/4 BLK LEATHER JKT// WHT T SHIRT 5'6 DRK
SKINNED // OUTSTANDING SUSPECT// POSS WEAPON ON THE
RIGHT SIDE //
19:43:11 DP05 MISC 3C38I, OUTSTANDING --- POSS WEAPN RIGHT SIDE OF JKT ---
245 ON OFFCR
19:43:20 DP12 MISC 3C38I, 245 ON OFFICER
19:43:27 DP05 BACK-ENR 3C00 3C38J:P
19:43:27 DP05 PERS-ID 3C38J [REDACTED]>IZAGUIRRE ROMINA A/4083
19:43:38 DP12 QUERY Q 3C38I LP [REDACTED]
19:44:16 SU07 MISC OPS/[REDACTED]NOTIFIED BY COMMS SUPV PROPALIS
19:44:17 SU05 MISC OPS ADV - [REDACTED]
19:44:19 DP05 MISC 3C00, ONE AT GIUNPOINT -- BEHIND 25 RUELL CT
19:44:26 DP05 MISC 3C00, 3C UNIT HAS SIC
19:44:32 DP12 MISC not me 3C38I, 25 RUEL CT // BEHIND THIS 1020 HAVE SUBJ IN
CUSTODY
19:44:44 DP05 CLOC-ONS 3C38C 25 RUELL CT,SF

19:44:46 DP12 CODE-4 3C3 ^{not me} ONE IN CUSTODY
19:44:49 DP05 CLOC-ONS 506 25 REUEL CT,SF
19:45:05 DP05 MISC 3C38C, 407
19:45:18 DP12 MISC 3C38I, CODE 33 CODE 4
19:45:30 SU05 MISC KATZ,SILAS ADV, TO NOTIFY [REDACTED] [REDACTED] [REDACTED] ^{WHAT.}
19:45:31 DP12 CODE-4 3C38I, CODE 33
19:46:15 DP12 MISC 3C38I, NEG ON A 408 FOR THE OFFICER
19:46:46 DP12 BACK-ENR 3C38I 3C138:P
19:46:46 DP12 PERS-ID 3C138 [REDACTED] FABBRI CARL P/1815
19:47:35 DP12 MISC 3C138, WP NORTH OF MP// NEED UNIT TO SECURE OUR VEH //
IT S PONTIAC GRANDAM /// 410 W/3C12D
19:47:37 M425 CLEAR 4T94 ARR
19:47:37 M146 ONSCENE 3C11D
19:47:40 DP12 BACK-ENR 3C13D 3C12D:P
19:47:40 DP12 PERS-ID 3C12D [REDACTED] >ERB JUSTIN C/0686 [REDACTED] >JOHNSON TAUVA'A
L/0075
19:49:33 DP12 QUERY Q 3C138 N [REDACTED] [REDACTED], THIS IS NOT THE
245 SUSPECT
19:50:31 DP05 CHGLOC 3C13D CO C W/1
19:50:35 M302 ONSCENE 3C12D
19:51:40 M426 QUERY H 3C13D 3WIV780
19:51:54 M146 CLEAR 3C11D HAN
19:52:46 M225 QUERY R 3C15D [REDACTED]
19:53:11 M225 QUERY R 3C15D [REDACTED]
19:54:20 M414 CLEAR 3C17D HAN
19:54:55 M225 QUERY R 3C15D [REDACTED]
19:54:58 M426 ONSCENE 3C13D
19:57:55 DP12 CLEAR 506 HAN
19:58:13 DP12 PREEMPT 3C138
19:58:36 DP12 CLEAR 3C38C HAN
19:59:05 DP12 CLEAR 3C38I HAN
19:59:08 DP12 CLEAR 3C38J HAN
19:59:54 M225 QUERY R 3C15D [REDACTED]/C
20:01:49 M225 QUERY R 3C15D [REDACTED]
20:02:35 M302 CLEAR 3C12D
20:06:02 M225 QUERY R 3C15D [REDACTED]
20:07:29 DP12 CLEAR 3C15D
20:09:52 SE03 REQCC 050273558 assigned
20:12:56 DP05 MISC 3C00, ADD TO [REDACTED] [REDACTED] 99 FORD CROWN VICTORIA 4DR
BAY CAB WHI IN COLOR TAKEN FROM [REDACTED] [REDACTED] BTW
0200-0230 HRS TODAY (03/10/05)
20:28:22 M426 CLEAR 3C13D HAN
21:11:47 DP12 CLEAR 3C00 HAN
21:11:47 DP12 CLOSE

Call Recap:

INITIATE:	19:41:06	03/10/05	CALL NUMBER:	#3794
ENTRY:	19:41:06		CURRENT STATUS:	CLOSED
DISPATCH:	19:41:06		PRIMARY UNIT:	3C00
ON SCENE:	19:41:06		CASE NUMBER:	[REDACTED]
CLOSE:	21:11:47		DISPOSITION:	HAN
ADDRESS:	[REDACTED] [REDACTED] [REDACTED]	(D=3C DEAD END & HUDSON AV)		
DAREA:	3C			
SECTOR:	C3		TYPE:	000 MISCELLANEOUS
RA:	351		PRIORITY:	C
FIRE:	0652			

OPERATOR ASSIGNMENTS: DP05 [REDACTED]
DP12 [REDACTED]

DP0J
M414
M146
M425
SU07
SU05
M302
M426
M225

AS OF 19:57:55: DP12
AS OF 20:07:29: DP12
SE03
AS OF 20:12:56: DP05
AS OF 21:11:47: DP12

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

PROOF OF SERVICE



Kevin Allen
Director

TO: Lieutenant John Murphy / O.I.C., Gang Task Force

RE: MEMBER RESPONSE FORM FOR OCC CASE # 503-05

FROM: Mark Scafidi, OCC Investigator

DATE: October 27, 2005

MEMBER TO BE NOTIFIED: Officer Barry Parker #1461

COMMANDING OFFICER'S PROOF OF SERVICE:

Date received: 10/27/05 1905
Date and Time served: 10/27/05 1905
Date returned to OCC: 10/27/05 1905

Reason for failure to serve:

Signature

Star No.

T. JOHN MURPHY #2158

X Barry Parker

Member's Signature

#1461

Star No.

10/27/05 1905 Hrs.

Date and Time Notified

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO



Kevin Allen
Director

OFFICE OF CITIZEN COMPLAINTS MEMBER RESPONSE FORM

TO: Officer Barry Parker #1461

RE: OCC CASE No. 503-05

FROM: Mark Scafidi, OCC Investigator

COMPLAINANT: [REDACTED]

DATE: October 27, 2005

DATE OF OCCURRENCE: March 10, 2005

RESPONSE DUE DATE: November 17, 2005

REPORT NO.: [REDACTED]

The OCC is conducting an investigation into the complaint referenced above. In order to facilitate the investigation, you are to provide a separate answer to each of the specific questions listed on the reverse side of this form.

(OVER)

INFORMATION REQUESTED:

1. On March 10, 2005, at 7:41 p.m., according to SFPD [REDACTED] (see enclosed), your unit was summoned to assume the investigation of the complainant [REDACTED], who was arrested by Bayview District Police Officers at [REDACTED] and transported him to the police station. The complainant stated that your unit had escorted him to the patrol vehicle for transport when Officer Luis DeJesus #247 struck him with a flashlight several times about the face, armpit, sternum and back.

State what force you observed Officer DeJesus use on the complainant on this occasion.

2. Did Officer DeJesus strike the complainant with a flashlight? If so, explain what occurred and the officer's apparent reason for striking the complainant with a flashlight.

3. Did any other officer strike the complainant with a flashlight? If so, identify that officer and state your observations regarding the circumstances in which the officer used the flashlight.

4. Identify those officers who may have witnessed the force Officer DeJesus allegedly used on the complainant.

5. The complainant's recollection of this incident inferred that Officer DeJesus used retaliatory force upon him due to the injury Officer Holly Stoumen sustained at the hands of the complainant. Did it appear that Officer DeJesus employed force on the complainant in retaliation for the force the complainant reportedly used on Officer Stoumen? If so, explain.

6. The complainant recalled your escorting him to a patrol vehicle when Officer DeJesus approached and employed force with a flashlight. The incident report indicated that the force Officer DeJesus used (i.e., two punches to the face) was done to take the complainant into custody. Did you observe any force used on the complainant after he was taken into custody? If so, explain what force was used, by whom, and the apparent reason(s) for its use?

7. The complainant denied he assumed a fighting stance when confronted by the arresting officers, as written in the incident report. State in detail your recollection of the complainant's "fighting stance" on this occasion. (e.g., proximity to officers, body position, accompanying words, if any, etc.)

8. The complainant stated he lost a tooth as a result of the force the officer(s) used upon him. State what you recall of any injury to the complainant on this occasion.

ARE THERE ANY WITNESSES TO THIS INCIDENT? IF SO, IDENTIFY AND PROVIDE CONTACT INFORMATION.

WOULD AN ORAL INTERVIEW AID THIS INVESTIGATION?

IF YES, PLEASE EXPLAIN:

ADD ANY STATEMENT YOU FEEL IS NECESSARY FOR US TO CONSIDER IN THIS INVESTIGATION.

REASON FOR THIS REQUEST: Investigation of citizen complaint.

DOCUMENTS ATTACHED: OCC Complaint Form #293, Event History Detail [REDACTED], and SFPD Incident Report [REDACTED]

MEMBER'S SIGNATURE:

Barry Parker #1461

DATE: 11/16/05

Attention: Mark Scafidi, Investigator

1. I was not at the scene of the incident; Officer Jackson #876 and I responded to Bayview Station after [REDACTED] was arrested, to interview him.
2. I was not at the scene of the incident.
3. I was not at the scene of the incident.
4. I was not at the scene of the incident.
5. I was not at the scene of the incident.
6. I was not at the scene of the incident.
7. I was not at the scene of the incident.
8. During our interview with [REDACTED] I do not recall him losing a tooth.
9. I was not at the scene of this incident, so I cannot provide information regarding possible witnesses. An oral interview would not aid in this investigation, due to the fact that I was not at the scene.

A handwritten signature in black ink, appearing to read "Barry G. Parker", followed by the number "#1461" written to the right of the signature.

Officer Barry G. Parker #1461

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

PROOF OF SERVICE



Kevin Allen
Director

TO: Lieutenant John Murphy / O.I.C., Gang Task Force

RE: MEMBER RESPONSE FORM FOR OCC CASE # 503-05

FROM: Mark Scafidi, OCC Investigator

DATE: October 27, 2005

MEMBER TO BE NOTIFIED: Officer Derrick Jackson #876

COMMANDING OFFICER'S PROOF OF SERVICE:

Date received: 10/27/05
Date and Time served: 10/27/05 1900
Date returned to OCC: 10/27/05 1900

Reason for failure to serve:

Signature

Handwritten signature of Lt. John Murphy.

Star No.

LT. JOHN MURPHY #2158

Handwritten signature of the member.
Member's Signature

876
Star No.

10-27-2005 1900
Date and Time Notified

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO



OFFICE OF CITIZEN COMPLAINTS MEMBER RESPONSE FORM

Kevin Allen
Director

TO: Officer Derrick Jackson #876

RE: OCC CASE No. 503-05

FROM: Mark Scafidi, OCC Investigator

COMPLAINANT: [REDACTED]

DATE: October 27, 2005

DATE OF OCCURRENCE: March 10, 2005

RESPONSE DUE DATE: November 17, 2005

REPORT NO.: [REDACTED]

The OCC is conducting an investigation into the complaint referenced above. In order to facilitate the investigation, you are to provide a separate answer to each of the specific questions listed on the reverse side of this form.

(OVER)

RECEIVED

NOV 17 2005

INFORMATION REQUESTED:

1. On March 10, 2005, at 7:41 p.m., according to SFPD [REDACTED] (see enclosed), your unit was summoned to assume the investigation of the complainant, [REDACTED], who was arrested by Bayview District Police Officers at [REDACTED] and transported him to the police station. The complainant stated that your unit had escorted him to the patrol vehicle for transport when Officer Luis DeJesus #247 struck him with a flashlight several times about the face, armpit, sternum and back.

State what force you observed Officer DeJesus use on the complainant on this occasion.

2. Did Officer DeJesus strike the complainant with a flashlight? If so, explain what occurred and the officer's apparent reason for striking the complainant with a flashlight.

3. Did any other officer strike the complainant with a flashlight? If so, identify that officer and state your observations regarding the circumstances in which the officer used the flashlight.

4. Identify those officers who may have witnessed the force Officer DeJesus allegedly used on the complainant.

5. The complainant's recollection of this incident inferred that Officer DeJesus used retaliatory force upon him due to the injury Officer Holly Stoumen sustained at the hands of the complainant. Did it appear that Officer DeJesus employed force on the complainant in retaliation for the force the complainant reportedly used on Officer Stoumen? If so, explain.

6. The complainant recalled your escorting him to a patrol vehicle when Officer DeJesus approached and employed force with a flashlight. The incident report indicated that the force Officer DeJesus used (i.e., two punches to the face) was done to take the complainant into custody. Did you observe any force used on the complainant after he was taken into custody? If so, explain what force was used, by whom, and the apparent reason(s) for its use?

7. The complainant denied he assumed a fighting stance when confronted by the arresting officers, as written in the incident report. State in detail your recollection of the complainant's "fighting stance" on this occasion. (e.g., proximity to officers, body position, accompanying words, if any, etc.)

8. The complainant stated he lost a tooth as a result of the force the officer(s) used upon him. State what you recall of any injury to the complainant on this occasion.

ARE THERE ANY WITNESSES TO THIS INCIDENT? IF SO, IDENTIFY AND PROVIDE CONTACT INFORMATION.

WOULD AN ORAL INTERVIEW AID THIS INVESTIGATION?

IF YES, PLEASE EXPLAIN:

ADD ANY STATEMENT YOU FEEL IS NECESSARY FOR US TO CONSIDER IN THIS INVESTIGATION.

REASON FOR THIS REQUEST: Investigation of citizen complaint.

DOCUMENTS ATTACHED: OCC Complaint Form #293, Event History Detail [REDACTED], and SFPD Incident Report [REDACTED]

MEMBER'S SIGNATURE:

Djackson #876

DATE: 11-17-2005

Case No. 503-05
Investigator SCAFID
Page 1 of

OCC TAPED INTERVIEW LOG

Date of Interview	Name of Interviewee or subject of tape (e.g. CAD tape)	Comments
3/10/05	ECD TAPE CD	SUBMITTED w/FILE
8/29/05	[REDACTED]	COMP

Date submitted to file room 11/28/05

Total Number of Tapes 1

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

DATE: July 22, 2005

TO: Emergency Communications Department
1011 Turk St.
Attn. Custodian of Records

FAX: 558-3869



Kevin Allen
Director

FROM: Mark Scafidi
Investigator, OCC 503-05

SUBJECT: Request for Communications Data

I am currently investigating an O.C.C. complaint. I would like to review the data described as follows:

DATE AND TIME: March 10, 2005 19:41 hours

NAME (IF AVAILABLE) [REDACTED]

TELEPHONE NUMBER

MATERIAL REQUESTED Communication Tape

DESCRIPTION OF THE INCIDENT

Incident Report [REDACTED]
CAD. No. [REDACTED]

On March 10, 2005, at 7:41 p.m., several units pursued, apprehended and arrested [REDACTED] after the latter reportedly committed a battery/ADW upon Q2 Holly Stoumen #1667.

[REDACTED]

OCC CASE #: 503-05

I appreciate your assistance in this matter. Please call me at (415) 597-7717, if you have any questions.

Custodian of Records



Emergency Communications Department



San Francisco, Dept. 77

Date 3/10/05



Type 000

1 of 1

Location



ed

Rec'd
Date 7/22/05

OCC #

503-05

Tiburon, Inc. EVENT HISTORY DETAIL: [REDACTED]

07-22-05

SAN FRANCISCO POLICE

12:24

C 000

SF (D=3C DEAD END & HUDSON AV) C3

19:41:06 DP05 ON-VIEW 3C00:P, .BLKJ JKT WHI TSHIRT
 19:41:13 DP12 MISC 3C00, RUNNING TWDS CASHMIER
 19:41:18 DP05 MISC 3C00, CASHMERE
 19:41:27 DP05 BACK-ENR 3C00 506:UN, CD3
 19:41:33 DP05 MISC 3C00, DEAD END OF CAHSMERE
 19:41:33 DP12 MISC 3C00, ON CASHMIER ///
 19:41:35 DP08 MISC 3C00, C/33 DEAD END OF CASHMERE
 19:41:40 DP05 NEWLOC LOCATION:WP/CASH-->[REDACTED] (D=3C DEAD END &
 HUDSON AV) RD: -->351
 19:41:50 DP05 MISC 3C00, AUTHORIZING CD3 RESPONSE
 19:41:54 DP05 MISC 506, CD3
 19:41:56 DP08 MISC 3C00, C3 RESP AUTHORIZED
 19:42:01 DP05 BACK-ENR 3C00 3C38C:P
 19:42:01 DP05 PERS-ID 3C38C [REDACTED]>FITZPATRICK RODNEY E/0114
 19:42:07 DP05 MISC 3C38C, THEY ARE OK
 19:42:12 DP12 BACK-ENR 3C00 3C13D:P
 19:42:12 DP12 PERS-ID 3C13D [REDACTED]>ARCHINI SEAN M/1500 [REDACTED] KENNEY MATTHEW
 G/0572
 19:42:20 DP05 NEWLOC LOCATION:[REDACTED] (D=3C DEAD END & HUDSON
 AV)-->2[REDACTED] (D=3C DEAD END & HUDSON AV),
 EVERYONE IS OK -- SLO DOWN UNITS
 19:42:20 M414 BACK-ENR 3C13D 3C17D:P
 19:42:20 M414 PERS-ID 3C17D [REDACTED] RODRIGUEZ DAVID E/0156 [REDACTED] CHU THOMAS
 M/4200
 19:42:27 DP05 BACK-ENR 3C00 3C15D:P
 19:42:27 DP05 PERS-ID 3C15D <[REDACTED] OLSON JOSHUA S/4051 [REDACTED]>CALAUNAN REX
 F/0058
 19:42:28 DP05 ONSCENE 3C15D
 19:42:29 DP12 MISC 3C00, 20 CASHMIER /// UNITS ARE OK,
 19:42:30 DP05 ONSCENE 3C13D
 19:42:46 M146 BACK-ENR 3C13D 3C11D:P
 19:42:46 M146 PERS-ID 3C11D [REDACTED]>FESTA GIUSEPPE/1685 [REDACTED]>CRUZ RAYMOND
 H/1668
 19:42:51 DP05 BACK-ENR 3C00 3C38I:P, 3/4 LENGTH BLK LEATHER JKT WHI TSHIRT 5'6
 DARK COMPL BUSHY HAIR
 19:42:51 DP05 PERS-ID 3C38I [REDACTED] STOUEN HOLLY M/1677
 19:43:10 M425 BACK-ENR 3C13D 4T94:UN
 19:43:10 M425 PERS-ID 4T94 [REDACTED] BRUNNER ALEXANDRIA M/0820
 19:43:10 DP12 MISC 3C38I, 3/4 BLK LEATHER JKT// WHT T SHIRT 5'6 DRK
 SKINNED // OUTSTANDING SUSPECT// POSS WEAPON ON THE
 RIGHT SIDE //
 19:43:11 DP05 MISC 3C38I, OUTSTANDING --- POSS WEAPN RIGHT SIDE OF JKT ---
 245 ON OFFCR
 19:43:20 DP12 MISC 3C38I, 245 ON OFFICER
 19:43:27 DP05 BACK-ENR 3C00 3C38J:P
 19:43:27 DP05 PERS-ID 3C38J [REDACTED]>IZAGUIRRE ROMINA [REDACTED]
 19:43:38 DP12 QUERY Q 3C38I LP 4YIP621
 19:44:16 SU07 MISC OPS/[REDACTED] NOTIFIED BY COMMS SUPV PROPALIS
 19:44:17 SU05 MISC OPS ADV - [REDACTED]
 19:44:19 DP05 MISC 3C00, ONE AT GIUNPOINT -- BEHIND 25 RUELL CT
 19:44:26 DP05 MISC 3C00, 3C UNIT HAS SIC
 19:44:32 DP12 MISC 3C38I, 25 RUEL CT // BEHIND THIS 1020 HAVE SUBJ IN
 CUSTODY
 19:44:44 DP05 CLOC-ONS 3C38C [REDACTED]
 19:44:46 DP12 CODE-4 3C38I, ONE IN CUSTODY

19:44:49 DP05 CLOC-ONS 506 25 REUEL CT,SF
19:45:05 DP05 MISC 3C38C, 407
19:45:18 DP12 MISC 3C38I, CODE 33 CODE 4
19:45:30 SU05 MISC [REDACTED] TO NOTIFY [REDACTED] [REDACTED] [REDACTED]
19:45:31 DP12 CODE-4 3C38I, CODE 33
19:46:15 DP12 MISC 3C38I, NEG ON A 408 FOR THE OFFICER
19:46:46 DP12 BACK-ENR 3C38I 3C138:P
19:46:46 DP12 PERS-ID 3C138 [REDACTED] FABBRI CARL P/1815
19:47:35 DP12 MISC 3C138, WP NORTH OF MP// NEED UNIT TO SECURE OUR VEH // IT S PONTIAC GRANDAM /// 410 W [REDACTED]
19:47:37 M425 CLEAR 4T94 ARR
19:47:37 M146 ONSCENE 3C11D
19:47:40 DP12 BACK-ENR 3C13D 3C12D:P
19:47:40 DP12 PERS-ID 3C12D [REDACTED] ERB JUSTIN C/0686 [REDACTED] JOHNSON TAUVA'A L/0075
19:49:33 DP12 QUERY Q 3C138 N [REDACTED] [REDACTED], THIS IS NOT THE 245 SUSPECT
19:50:31 DP05 CHGLOC 3C13D CO C W/1
19:50:35 M302 ONSCENE 3C12D
19:51:40 M426 QUERY H 3C13D [REDACTED]
19:51:54 M146 CLEAR 3C11D HAN
19:52:46 M225 QUERY R 3C15D [REDACTED]
19:53:11 M225 QUERY R 3C15D [REDACTED]
19:54:20 M414 CLEAR 3C17D HAN
19:54:55 M225 QUERY R 3C15D [REDACTED]
19:54:58 M426 ONSCENE 3C13D
19:57:55 DP12 CLEAR 506 HAN
19:58:13 DP12 PREEMPT 3C138
19:58:36 DP12 CLEAR 3C38C HAN
19:59:05 DP12 CLEAR 3C38I HAN
19:59:08 DP12 CLEAR 3C38J HAN
19:59:54 M225 QUERY R 3C15D [REDACTED]/C
20:01:49 M225 QUERY R 3C15D [REDACTED]
20:02:35 M302 CLEAR 3C12D
20:06:02 M225 QUERY R 3C15D JHAROLD/L
20:07:29 DP12 CLEAR 3C15D
20:09:52 SE03 REQCC 050273558 assigned
20:12:56 DP05 MISC 3C00, ADD TO HS [REDACTED] [REDACTED] FORD CROWN VICTORIA 4DR BAY CAB WHI IN COLOR TAKEN FROM [REDACTED] [REDACTED] BTW 0200-0230 HRS TODAY (03/10/05)
20:28:22 M426 CLEAR 3C13D HAN
21:11:47 DP12 CLEAR 3C00 HAN
21:11:47 DP12 CLOSE

Call Recap:

INITIATE:	19:41:06	03/10/05	CALL NUMBER:	#3794
ENTRY:	19:41:06		CURRENT STATUS:	CLOSED
DISPATCH:	19:41:06		PRIMARY UNIT:	3C00
ON SCENE:	19:41:06		CASE NUMBER:	[REDACTED]
CLOSE:	21:11:47		DISPOSITION:	HAN
ADDRESS:	[REDACTED] [REDACTED] [REDACTED]	(D=3C DEAD END &	HUDSON AV)	
DAREA:	3C			
SECTOR:	C3	TYPE:	000	MISCELLANEOUS
RA:	351	PRIORITY:	C	
FIRE:	0652			

OPERATOR ASSIGNMENTS: DP05 [REDACTED]
DP12 [REDACTED]
DP08 [REDACTED]

M414
M146
M425
SU07
SU05
M302
M426
M225

AS OF 19:57:55: DP12
AS OF 20:07:29: DP12
SE03
AS OF 20:12:56: DP05
AS OF 21:11:47: DP12

ECD TAPE

3000: Susp - blk jacket
↳ running thru Cashmere

30101: authorizing Code B response

3000: Everyone OIC slow down response

↳ 3/4 length blk jacket, white shirt, dark bushy hair

3038I: 245 on off

3006: 1 at gymnasium behind Kendall Ct.

3038I: ESK

3002 → 3038: what's 10-13 on off?

3038c: provide 407 / transport / prisoner

→ off O.K. - ~~draw~~ ^{draw} ~~air~~ - negative off 407 / ambal

3013D: to CC.C. w/ 1

Cty fail
C7

OCC 503-05

8/29/85

Interview w/ [REDACTED]

Wits - [REDACTED]

UF - QA BR JESS

IR - MISREP?

PHOTO?

MED RELEASE

FD/ [REDACTED]

QB De Jesus sees C at flashlight
QB Jackson arrested C

L P/C - 4-5 off P/C

L B/m. off - muscular, 5'10(?), 300, unif, mustache

W/m, short, bald-headed, thin - uniformed

(2) off in transport

transported

L 1 W/m, spiked hair

QB J: requested stmt from C (re beating?)

2 hands behind

- off of walking C to each

flashlight strikes ← sternum
mid-back
left cheek
C armpit

several 4-5 x

C. B. - called first, cocked arm, located C
behind door away from camera - 2x in strikes
Q50 fabric

- Chest swollen, internal bleeding

- tooth lost in C's mouth - bleeding at scene

- clothes in property

- Q50 fabric photographed

front

back

not of mouth

Cartmire - horseshoe - apprehended in last
block → mid-block

patrol with 10-15 ft. away → car door open

Clear in area - saw what?
↳ 1 w/m, tall looking - on

DETAIL: OCC CASE# 503 - 05

CORONER # _____

DATE PHOTOGRAPHED: 8/29/05 TIME: _____

SUBJECT / NAME: [REDACTED]

LOCATION / ADDRESS: COUNTY JAIL #2

ADDITIONAL INFO: _____

ORDERED BY: INV. MARK SCARIDI STAR: 117

PHOTOGRAPHER: INV. SCARIDI STAR: 117

FILM SIZE & TYPE: 35 MM. NUMBER OR NEGS: _____
POLAROID

THIS ENVELOPE FOR FILM AND/OR DEPARTMENT PHOTOGRAPHS.

INCHES



P E SIZE: _____

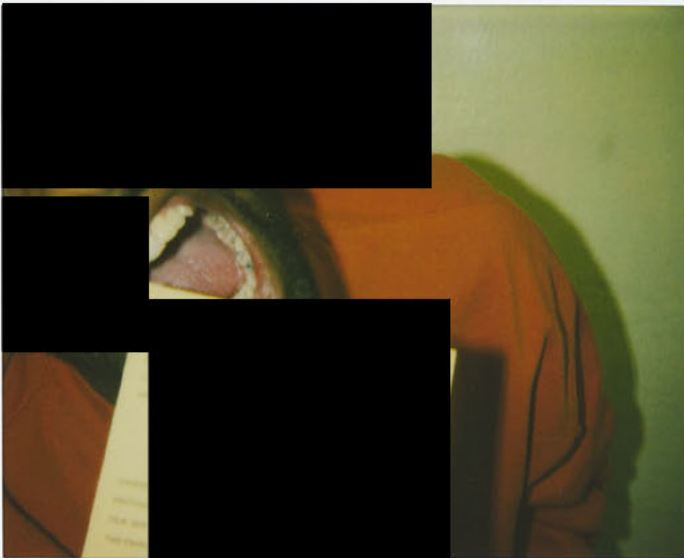
BY #: _____

DATE: _____

EXP: _____

DICHRO: _____

(5) PHOTOS TAKEN BY INV. SCAPID OF COMPLAINANT
[REDACTED] ON 8/29/05.





SAN FRANCISCO POLICE DEPARTMENT

USE OF FORCE LOG

Reporting Period: Beginning 3-1-05 Ending 3-15-05
Mo. Day Yr. Mo. Day Yr.

DATE	CASE NUMBER	OFFICER USING FORCE NAME & STAR #	REVIEWING SUPERVISOR NAME & STAR #	PHYSICAL CONTROL	STRIKE BY FIST OR OBJECT	CHEMICAL AGENT/MAZE/O.C.	BATON/STRIKE OR JAB	CAROTID RESTRAINT	FIREARM	SUSPECT INJURED	SUSPECT COMPLAINT OF INJURY	OFFICER INJURED DURING USE OF REPORTABLE FORCE	COMMENTS
3/2/05	[REDACTED]	[REDACTED]	[REDACTED]	✓	✓	✓	✓	✓	✓				
	[REDACTED]	DEJESUS #247	SGT. CARL FARRER #1815		✓					Yes (No)	Yes (No)	Yes (No)	BAYVIEW UNIT 245(r) ON AN OFFICER.
3/5/05	[REDACTED]	[REDACTED]	[REDACTED]										
										Yes No	Yes No	Yes No	
										Yes No	Yes No	Yes No	
										Yes No	Yes No	Yes No	
										Yes No	Yes No	Yes No	
Captain Rick Bruce Bayview Police Station COMMANDING OFFICER (SIGNATURE)				FORWARD ONE COPY TO: BUREAU HEADQUARTERS. FORWARD COPY OF LOG AND INCIDENT REPORTS TO COMMANDING OFFICER, M.C.D. AND TRAINING DIVISION. 1ST AND 15TH OF EACH MONTH SFPD 138 (Rev. 7/96)									

UNIT

San Francisco Police / San Francisco Sheriff				Arrest Card	
Jail # [REDACTED]		Last Name [REDACTED]		First Name [REDACTED]	
SF # [REDACTED]		[REDACTED]		DOB [REDACTED]	
CDL # [REDACTED] State [REDACTED]		[REDACTED]		Date/Time of Arrest 03, 10, 05 1944 Hrs	
CII # [REDACTED]		Location of Arrest 25 REUEL CT.		Unit/Agency 3C38 SFPD	
FBI # [REDACTED]		Citizen <input checked="" type="checkbox"/> Y <input type="checkbox"/> N		Reason not Cited 9	
Case # [REDACTED]		DV Related <input type="checkbox"/>		AKAs/Tattoos/Scars/Marks	
CWB Check [REDACTED] Star # [REDACTED]		Probation Officer [REDACTED] Phone # [REDACTED]		Race (circle) A <input checked="" type="radio"/> B <input type="radio"/> H <input type="radio"/> I <input type="radio"/> W <input type="radio"/> O <input type="radio"/> Unkn	
Arresting Officer [REDACTED] Star # [REDACTED]		Charge 1 N/W 245(c) P.C.		Gender <input checked="" type="radio"/> M <input type="radio"/> F	
Arresting Officer [REDACTED] Star # [REDACTED]		Charge 2 602 (b) P.C.		Medical Triage 2 3-10-05 <input checked="" type="checkbox"/> Cleared <input type="checkbox"/> Refused	
SFPD Supervisor [REDACTED] Star # [REDACTED]		Charge 3 148(A)(1) P.C.		JHS 8 2347 Hrs	
P & P (E-16) Strip Search OK <input type="checkbox"/>		Charge 4 N/W 69 P.C.		[REDACTED]	
Not eligible for Strip Search <input type="checkbox"/>		Charge 5			
Checked by (star #) [REDACTED] Searching Deputy [REDACTED]		[REDACTED]			
Name: Last, First [REDACTED]		[REDACTED]		Class Level [REDACTED]	

OCC# 0503-05



The annexed instrument is a true and correct copy of the original on file in the office of the Sheriff.
Attest Certified. Date: JUL 01 2005

MICHAEL HENNESSEY, Sheriff
by: L. CAUTERUCCIO #1437

Custodian of Records



SAN FRANCISCO POLICE DEPARTMENT REPORT MANAGEMENT

FAX TRANSMISSION RECORD

FAX NO: [415] 553-9848 VOICE NO: [415] 553-1038

Date 7/22/2005

Agency Sent: OCC (503-05) Fax No: 597-7733

Attention: SCAFID1

Sent by: [REDACTED]

Incident Report no: [REDACTED]

Comments:

Number of pages including cover sheet: 10

THIS PUBLICATION CONTAINS MATERIAL EXEMPT FROM PUBLIC DISCLOSURE. IT
HAS BEEN DISCLOSED TO _____ FOR OFFICIAL PURPOSES. THE
SAN FRANCISCO POLICE DEPARTMENT DOES NOT AUTHORIZE FURTHER
DISCLOSURE.



OCC CASE # 503-05
DATE/TIME 7/28/05 10:30

Report Management Section REPORT REQUEST FORM

I HEREBY REQUEST ACCESS TO THE FOLLOWING INFORMATION
THAT IS CONTAINED IN THE FILES OF THE REPORT MANAGEMENT
SECTION. THIS DATA IS ESSENTIAL TO PERFORM MY DUTIES AS AN
OCC INVESTIGATOR AND SHALL BE USED FOR OFFICIAL PURPOSES
ONLY.

UNIT/AGENCY OCC	NAME & I.D. NO. (Print) <u>MARK SCARF</u> #117	INITIALS (Sign) <u>MS</u>
---------------------------	---	------------------------------

REPORT NUMBER	VICTIM/SUSPECT (Print)	DATE OF INCIDENT	S.F. NUMBER
[REDACTED]	[REDACTED]	<u>3/10/55</u>	[REDACTED]

☐ Will Return and Pick-Up at: _____ (Time) _____ (Date)

☒ Send to: OCC

FOR REPORT MANAGEMENT SECTION USE ONLY

___ Hand-Delivered

___ Mail

___ FAX

By _____ Date _____
(Report Management Section Member)

OCC REPORT REQUEST

San Francisco Police Department

Report Type: Initial

INCIDENT REPORT

Incident Number	Occurrence from Date/Time	Occurrence to Date/Time	Reported Date/Time	CAD Number
	03/10/05 19:41	03/10/05 19:41	03/10/05 19:41	
Type of Incident				
Assault, Aggravated, On Police Officer, W/ Force -04074, Resisting, Delaying, or Obstructing Peace Officer Duties - 27170				
Location of Occurrence				
At Intersection with/Premise type HUDSON Alley				
Confidential Report?	Arrest Made?	Suspect Known?	Suspect Unknown?	Non-Suspect Incident?
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Domestic Violence?				(Type of Weapon Used)
<input type="checkbox"/>				Hands
Reporting Unit				
3C38F				
Location Sent				
ON VIEW				
How Cleared?	Reported to Bureau	Name	Star	Date/Time
6	Violent Crimes Task F	JACKSON	878	03/10/05 20:15
Rider Abuse?	Gang Related?	Juvenile Subject?	Prejudice Based?	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

DECLARATION	I declare under penalty of perjury, this report of <u>7</u> pages is true and correct, based on my personal knowledge, or is based on information and belief following an investigation of the events and parties involved.				
	PROP 115 CERTIFIED		5 YEAR/POST		
	Reporting Officer		Star	Station	Watch
	DeJesus, Luis P		247	Bayview Station	1200-2200
	Date		03/10/05 21:28:29		
DECLARATION	Revising Officer		STAR	Station	Watch
	[Signature]		1815	Bayview Station	1200-2200
	Date		3-10-05		
	OIC		STAR	Station	Watch
	LT. C. ORNES #1949		C	15/01	MAR 10 2005
Related Case		Related Case	Re-Assigned to	Assigned by	
			VCTF	LD 247	
Copies to		Add'l Copies			
5G200 5G200		GTF-2/DA-2/OR			

R / V I C T I M	Code	Name (Last, First Middle)		Alias	
	RV 1	SFPD,			
	Day Phone	Type	Home Address	City	State
	Night Phone	Type	Work Address	City	State
	201 WILLIAMS		SAN FRANCISCO		CA
DOB / Age		DOB / Age	or age between and	Race	Sex
Unk. <input type="checkbox"/>					
Height		Weight	Hair Color	Eye Color	ID Type
					Jurid.
Confidential Person		Violent Crime Notification	293 PC Notification	Star	Follow-up Form
<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>		YES <input type="checkbox"/>
Statement		Relationship to Subject			
YES <input type="checkbox"/>					
School (if Juvenile)		Injury/Treatment		Other Information/If Interpreter Needed Specify Language	
				SFPD STAR NUMBERS 247/1815/1877/4083	

BOOKED	Code	Name (Last, First Middle)		Alias	
	B 1				
	Day Phone	Type	Home Address	City	State
	Night Phone	Type	Work Address	City	State
	201 WILLIAMS		SAN FRANCISCO		CA
DOB / Age		DOB / Age	or age between and	Race	Sex
Unknown <input type="checkbox"/>				B	M
Height		Weight	Hair Color	Eye Color	ID Type
5'08		220	BLK	BRO	
SFNO		J/O# (if Juvi.)	ID Type/Jurisdiction/Number	ID Type/Jurisdiction/Number	ID Type/Jurisdiction/Number
Book Section #1		Book Section #2	Book Section #3	Book Section #4	Book Section #5
N/W 245 (c) PC		N/W 89 P.C.	148(a)(1) PC	602(o) P.C.	
Warrant #		Court #	Action #	Dept	Enroute to
Warrant Violation(s)		Bail		Mirandized	Star
				<input type="checkbox"/>	
Citation #		Violation(s)		Appear Date/Time	Location of Appearance
Book/Cite Approval		Star	Mass Arrest Code	M X-Rays	School (if Juvenile)
		5		<input type="checkbox"/>	
Other Information: Citation/Warrant/Booking Charge(s)/Missing Person-Subject Description; Scars, Marks, Tattoos		WEARING BLACK JACKET, WHITE T-SHIRT/DARK PANTS NO INJURIES			

San Francisco Police Department

ADDITIONAL SUSPECTS

D E T A I N E D 1	CODE D 1	Name (Last, First Middle)				Alias				
	Day Phone	Type None	Home Address				City SAN FRANCISCO	State CA	Zip Code	
	Night Phone	Type None	Work Address NO JOB OR E-MAIL				City	State	Zip Code	
	School (if Juvenile)		Race B	Sex M	DOB Unknown <input type="checkbox"/>	DOB	Height 509	Weight 150	Hair Color BLK	Eye Color BRO
	SFNO	J/D# (if Juv.)	ID No.		ID No.		ID No.			
	Book/Charge 1		Book/Charge 2		Book/Charge 3		Book/Charge 4		Book/Charge 5	
	Warrant #		Court #		Action #		Dept		Enroute To	
	Warrant Violation(s)		Bail		Mirandized <input type="checkbox"/>		Star		Date/Time	
	Citation #		Violation(s)		Appear Date/Time		Location of Appearance			
	Book/Cite Approval		Star		Mass Arrest Code		M X-Rays <input type="checkbox"/>			
Other Information: Citation/Warrant/Booking Charge(s)/Missing Persons-Subject Description/Scars, Marks, Tattoos										
P R I V A T E P E R S O N A R R E S T	<input type="checkbox"/> ORIGINAL PRIVATE PERSON'S ARREST FORM BOOKED AS EVIDENCE. PHOTOCOPY ATTACHED WITH THIS REPORT.									
	CODE	Name (Last, First Middle)				Alias				
	Day Phone	Type	Home Address				City	State	Zip Code	
	Night Phone	Type	Work Address				City	State	Zip Code	
	School (if Juvenile)		Race	Sex	DOB Unknown <input type="checkbox"/>	DOB	Height	Weight	Hair Color	Eye Color
	SFNO	J/D# (if Juv.)	ID No.		ID No.		ID No.			
	Book/Charge 1		Book/Charge 2		Book/Charge 3		Book/Charge 4		Book/Charge 5	
	Warrant #		Court #		Action #		Dept		Enroute To	
	Warrant Violation(s)		Bail		Mirandized <input type="checkbox"/>		Star		Date/Time	
	Citation #		Violation(s)		Appear Date/Time		Location of Appearance			
Book/Cite Approval		Star		Mass Arrest Code		M X-Rays <input type="checkbox"/>				
Other Information: Citation/Warrant/Booking Charge(s)/Missing Persons-Subject Description/Scars, Marks, Tattoos										
P R I V A T E P E R S O N A R R E S T	<input type="checkbox"/> ORIGINAL PRIVATE PERSON'S ARREST FORM BOOKED AS EVIDENCE. PHOTOCOPY ATTACHED WITH THIS REPORT.									

SFPD377 C (11/02)

050273558

San Francisco Police Department
PROPERTY LISTINGS

E	Code/No EVD 1	Item Description HAT				Brand	Model	
1	Serial No.	Gun Make	Caliber	Color BLK	Narcotics Lab No.	Quantity 1	Value TBD	
	Seized by (Star) 1877	From Where B/ [REDACTED] HEAD						
	Additional Description/Identifying Numbers ONE BLACK BEENIE CAP							
E	Code/No EVD 2	Item Description DISC				Brand	Model	
2	Serial No.	Gun Make	Caliber	Color BLK	Narcotics Lab No.	Quantity 1	Value	
	Seized by (Star) 1095	From Where BAYVIEW STATION						
	Additional Description/Identifying Numbers ONE DIGITAL DISC							
E	Code/No EVD 3	Item Description PHOTOS				Brand	Model	
3	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity 5	Value	
	Seized by (Star) 1095	From Where BAYVIEW STATION						
	Additional Description/Identifying Numbers FIVE PHOTOS OF B/ [REDACTED] SHOWING THAT THERE ARE NO INJURIES.							
	Code/No	Item Description				Brand	Model	
	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity	Value	
	Seized by (Star)	From Where						
	Additional Description/Identifying Numbers							
	Code/No	Item Description				Brand	Model	
	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity	Value	
	Seized by (Star)	From Where						
	Additional Description/Identifying Numbers							
	Code/No	Item Description				Brand	Model	
	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity	Value	
	Seized by (Star)	From Where						
	Additional Description/Identifying Numbers							
	Code/No	Item Description				Brand	Model	
	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity	Value	
	Seized by (Star)	From Where						
	Additional Description/Identifying Numbers							

Incident# [REDACTED]

San Francisco Police Department
NARRATIVE

ON TODAY'S DATE AND TIME SGT. FABBRI, OFFICERS IZAGUIRRE, STOUMEN, AND I WERE IN THE AREA OF 146 WESTPOINT ROAD. THIS AREA OF THE DISTRICT IS WELL KNOWN TO BAYVIEW OFFICERS AS THE HOME TURF OF THE "WEST MOB" CRIMINAL STREET GANG. THIS AREA IS ALSO KNOWN FOR ITS HIGH VOLUME OF NARCOTICS ACTIVITY.

WE OBSERVED B/ [REDACTED] WHO I KNOW AS AN ACTIVE NARCOTICS DEALER IN THIS AREA. HE WAS WITH [REDACTED]. WE KNOW [REDACTED] AS A NARCOTICS USER FROM THIS AREA. THE TWO WERE WALKING WEST BOUND AND THEN AROUND THE REAR OF 146 WESTPOINT ROAD. THEY WERE WALKING AND BOTH LOOKING INTO THE OPEN PALMS OF [REDACTED]. SGT. FABBRI AND OFFICER IZAGUIRRE WALKED AROUND THE SOUTH SIDE OF 146 WESTPOINT ROAD AND OFFICER STOUMEN WALKED AROUND THE NORTH SIDE OF 146 WESTPOINT ROAD. SGT. FABBRI IMMEDIATELY DETAINED D/ [REDACTED] ON THE SOUTH END OF THE BUILDING LINE. AS SGT. FABBRI APPROACHED HIM D/ [REDACTED] PUT HIS OPEN RIGHT HAND TO HIS MOUTH AND BEGAN TO MAKE SWALLOWING MOTIONS WITH HIS THROAT.

AT THAT POINT OFFICER STOUMEN APPROACHED B/ [REDACTED] AT THE NORTH END OF THE BUILDING LINE. SHE ENGAGED B/ [REDACTED] IN CONVERSATION ASKING HIM FOR IDENTIFICATION. B/ [REDACTED] TURNED AWAY FROM HER AND IMMEDIATELY WITHOUT WARNING BEGAN TO RUN NORTH BOUND AWAY FROM HER. OFFICER STOUMEN ATTEMPTED TO GRAB A HOLD OF B/ [REDACTED] FROM BEHIND. HE THEN BEGAN TO YELL AT HER SAYING "GET OFF ME BITCH". AT THAT POINT OFFICER STOUMEN WAS ABLE TO WRAP BOTH HANDS AROUND B/ [REDACTED]. B/ [REDACTED] THEN TURNED TO THE RIGHT TOWARDS OFFICER STOUMEN AND GRABBED HER IN THE WAIST AREA WITH HIS RIGHT HAND AND THE LEFT SIDE OF HER SHOULDER WITH HIS LEFT HAND. HE THEN LIFTED HER INTO THE AIR OFF THE GROUND AND FLIPPED HER OVER AND BODY AND SLAMMED HER TO THE GROUND. OFFICER STOUMEN FELL ONTO HER BACK WITH GREAT FORCE, WHILE STILL HOLDING ONTO B/ [REDACTED] BEENIE CAP. B/ [REDACTED] THEN BEGAN TO RUN NORTH BOUND THRU THE HOUSING TRAILS. WE ALL BEGAN TO GIVE CHASE ON B/ [REDACTED].

AT THAT POINT D/ [REDACTED] DISAPPEARED INTO THE DARKNESS OF THE HOUSING TRAILS. I CALLED A CODE 33 VIA PIC RADIO. I GAVE B/ [REDACTED]'S DESCRIPTION, AND AVENUE OF FLIGHT. WE CHASED B/ [REDACTED] THROUGH THE HOUSING TRAILS UNTIL HE RAN TO CASHMERE STREET. HE RAN ALONG THE BUILDING LINE WEST BOUND ON CASHMERE STREET TO # 20 CASHMERE STREET. HE THEN TURNED NORTHBOUND THROUGH A BREAK IN THE BUILDING LINE TO THE REAR OF # 20 CASHMERE STREET BETWEEN CASHMERE AND RUEL CT.

OFFICER SCOTT # 441 LOCATED B/ [REDACTED] HIDING IN THE BUSHES AT THE REAR OF 20 CASHMERE STREET. OFFICER SCOTT ILLUMINATED B/ [REDACTED] WITH THIS FLASHLIGHT, AND ORDERED HIM TO PLACE HIS HANDS IN THE AIR. AS OFFICER SCOTT APPROACHED B/ [REDACTED] HE JUMPED TO HIS FEET AND TOOK A FIGHTING STANCE AND BALLED HIS FISTS. B/ [REDACTED] IS 508 220 POUNDS OFFICER SCOTT HAS A CONSIDERABLY SMALLER FRAME AND WEIGHS APP. 165 POUNDS. OFFICER SCOTT THEN WITHDREW HIS DEPARTMENT ISSUED WEAPON AND ORDERED B/ [REDACTED] TO THE GROUND. B/ [REDACTED] IGNORED OFFICER SCOTT'S COMMANDS. AT THAT POINT OFFICER LYONS # 4067 BEGAN TO FORCE B/ [REDACTED] TO THE GROUND. OFFICER SCOTT HOLSTERED HIS WEAPON. OFFICER SCOTT, LYONS, AND I ATTEMPTED TO PLACE B/ [REDACTED] IN HAND CUFFS. B/ [REDACTED] CONTINUED TO RESIST ARREST AND STRUGGLE WITH US. B/ [REDACTED]

ATTEMPTED TO SWING AT ME AND I INSTINCTIVELY DODGED HIS PUNCH AND STRUCK B/ [REDACTED] IN THE FACE AREA TWO TIMES, WHILE WE WRESTLED. B/ [REDACTED] WAS FINALLY TAKEN INTO CUSTODY.

AT THIS TIME IT DOES NOT APPEAR THAT OFFICER STOUMEN SUFFERED ANY SERIOUS INJURY. B/ [REDACTED] SUFFERED NO INJURY AND HAD NO COMPLAINT OF PAIN. I NOTIFIED SGT. FABBRI # 1815 OF MY USE OF FORCE AT THE SCENE AT 1945 HRS. B/ [REDACTED] WAS TRANSPORTED TO BAYVIEW STATION. WE NOTIFIED GANG TASK FORCE. OFFICERS JACKSON # 876, AND PARKER # 1461 OF G.T.F. RESPONDED TO BAYVIEW STATION AND TOOK CHARGE OF THE INVESTIGATION. SGT. FABBRI MADE THE APPROPRIATE ENTRY INTO THE USE OF FORCE LOG. I ADMONISHED B/ [REDACTED] AS PER 11532 HS. AND HE WAS BOOKED AS PER ABOVE. [REDACTED]

SAN FRANCISCO POLICE DEPARTMENT

INCIDENT REPORT STATEMENT

INCIDENT NO. [REDACTED]

page 1 of 1

NAME (LAST, FIRST, MIDDLE) OF PERSON GIVING STATEMENT SGT. CARL FABBRI #1815		DOB/AGE ()	RESIDENCE PHONE (DAY / NIGHT) ()	BUSINESS PHONE (DAY/NIGHT) (415) 671-2300
RESIDENCE ADDRESS / CITY IF NOT SAN FRANCISCO		ZIP CODE	BUSINESS ADDRESS / CITY IF NOT SAN FRANCISCO BAYVIEW STATION-201 WILLIAMS ST	
			ZIP CODE 94124	
DATE OF STATEMENT 3/10/05	TIME STARTED 2100 HRS	TIME COMPLETED 2130 HRS	LOCATION WHERE STATEMENT TAKEN AT SCENE <input type="checkbox"/> OTHER: BAYVIEW STATION	
STATEMENT TAKEN BY (NAME / STAR)		IN PRESENCE OF		

ON TODAY'S DATE I WAS ASSIGNED TO THE BAYVIEW PLAINCLOTHES TEAM WITH OFFICERS DEJESUS, STOUMEN, AND IZAGUIRE. I SAW [REDACTED], A CRACK ADDICT, WALK BEHIND 146 WESTPOINT WITH (B) [REDACTED]. I SUSPECTED THEY WERE GOING BEHIND THE BUILDING TO CONDUCT A DRUG DEAL. I WALKED TO THE OPPOSITE END OF THE BUILDING TO WATCH THEM. I WAS WEARING AN SFPD RAID JACKET. WHEN I MADE THE CORNER TO THE BACK OF THE BUILDING, I SAW [REDACTED] WALKING TOWARD ME. [REDACTED] IMMEDIATTLY PUT A SMALL OBJECT INTO HIS MOUTH AND SWALLOWED IT. BASED ON MY TRAINING AND EXPERIENCE, I STRONGLY BELIEVE LONG ATE A ROCK OF "CRACK" COCAINE.

I SAW OFF. STOUMEN ALONE WITH [REDACTED]. I STARTED TO WALK TOWARD OFF. STOUMAN TO HELP HER WITH [REDACTED]. [REDACTED] TURNED HIS HEAD TOWARD ME AND SAW ME WALKING TOWARD HIM WEARING A CLEARLY MARKED SFPD RAID JACKET. I SAW OFF. STOUMEN ATTEMPT TO PAT SEARCH [REDACTED]. SHE HAD HER SFPD STAR DISPLAYED ON HER CHEST. [REDACTED] SUDDENLY TRIED TO BREAK AWAY FROM HER AND I HEARD HIM YELL AT HER "YOU BITCH" AND SOMETHING ELSE I COULDN'T MAKE OUT. I STARTED TO RUN TO HELP OFF. STOUMEN. AS I GOT CLOSER, I SAW [REDACTED] TURN HIS BODY AND TAKE A WIDER STANCE. OFF. STOUMAN TRIED TO WRAP HER ARMS AROUND HIS SHOULDERS AND NECK. [REDACTED] BENT DOWN AND GOT OFF. STOUMAN ON HIS RIGHT SHOULDER. [REDACTED] STOOD UP AND FLIPPED OFF. STOUMEN THROUGH THE AIR OVER HIS SHOULDER. I SAW OFF. STOUMAN'S FEET POINTING STRAIGHT UP IN THE AIR AND SAW HER BODY COME CRASHING DOWN IN THE DIRT. HER HEAD, THE BACK OF HER NECK, AND HER BACK SLAMMED TO THE GROUND. OFF. STOUMAN TOLD ME [REDACTED]'S ATTACK ON HER KNOCKED THE WIND OUT OF HER AND STUNNED HER BUT SHE SAID SHE DOES NOT THINK SHE IS SERIOUSLY INJURED. OFF. STOUMAN GOT UP AFTER THE INCIDENT AND RAN TO CASHMERE. [REDACTED] RAN TOWARD CASHMERE STREET AND WAS TAKEN INTO CUSTODY.

AT CO C HOLDING AREA [REDACTED] ASKED ME WHAT HIS CHARGES WERE. I TOLD HIM FELONY ASSAULT ON A POLICE OFFICER. HE TOLD ME, "I WASN'T TRYING TO HURT HER. I WAS JUST TRYING TO GET AWAY FROM HER." THIS STATEMENT WAS HEARD BY OFFICERS DEJESUS AND AHERNE #1095. OFF. STOUMAN, DEJESUS, IZAGUIRE AND I ALL POSITIVELY IDENTIFIED [REDACTED] AS THE SUSPECT THAT ASSAULTED OFF. STOUMEN.

I DECLARE, UNDER PENALTY OF PERJURY, THIS STATEMENT OF [REDACTED] PAGES IS TRUE AND CORRECT, BASED ON MY PERSONAL KNOWLEDGE.

SIGNATURE OF PERSON GIVING STATEMENT

Carl Fabbri #1815

Report Type: Supplement

San Francisco Police Department
INCIDENT REPORT

RMS-Print

Incident Number	Occurrence from Date/Time	Occurrence to Date/Time	Reported Date/Time	CAD Number
	03/10/05 19:41	03/10/05 19:41	03/10/05 19:41	
Type of Incident				
Assault, Aggravated, On Police Officer, W/ Force -04074, Resisting, Delaying, or Obstructing Peace Officer Duties - 27170				
Location of Occurrence				
164 WESTPOINT/20 CASHMERE Rd				
At Intersection with/Premise type				
Street, (Not Sidewalk)				
Confidential Report?	Arrest Made?	Suspect Known?	Suspect Unknown?	Non-Suspect Incident?
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Domestic Violence?				Reporting Unit
<input type="checkbox"/>				
Location Sent				
ON VIEW				
How Cleared?	Reported to Bureau	Name	Star	Date/ Time
6	Violent Crimes Task F	D. JACKSON	876	
Elder Abuse?	Gang Related?	Juvenile Subject?	Prejudice Based?	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

DECLARATION	I declare under penalty of perjury, this report of 2 pages is true and correct, based on my personal knowledge, or is based on information and belief following an investigation of the events and parties involved.				
	PROP 115 CERTIFIED				
	Signature: <i>Holly Storm</i>				
	Reporting Officer	Star	Station	Watch	Date
	STOUMEN	1677	CO C	W/D	3-13-05
Reviewing Officer	STAR	Station	Watch	Date	
	1815	CO C	1600/0200	3-13-05	
OIC	STAR	Station	Watch	Date	
	LT. E. QUEMA #2117	CO C	16/01w	MAR 13 2005	
Related Case	Related Case	Re-Assigned to	Assigned to	Assigned by	
		GTF	5G200	P.A.	
Copies to	5G200	5G200	Add'l Copies		

R / V I C T I M	Code	Name (Last, First Middle)	Alias
	RV 1	STOUMEN, HOLLY	
	Day Phone	Type	Home Address
	(415) 871-2300		
	Night Phone	Type	Work Address
			201 WILLIAMS ST
	City	State	Zip Code
	S.F.	CA	94124
DOB / Age	DOR	or age between and	Race
	Unk		
Confidential Person	Violent Crime Notification	293 PC Notification	Star
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1677
Follow-up Form	Statement	Relationship to Subject	
YES	YES		
School (if Juvenile)	Injury/Treatment	Other Information/If Interpreter Needed Specify Language	
		S.F. POLICE OFFICER	

BOOKED	Code	Name (Last, First Middle)	Alias
	B		
	Day Phone	Type	Home Address
	Night Phone	Type	Work Address
	City	State	Zip Code
	DOB	Date of Birth	Age
	Unknown		
	Race	Sex	Height
	B	M	5'08
	Weight	Hair Color	Eye Color
	220	BLK	BRO
S/NO	J/J# (if Juvi.)	ID Type/Jurisdiction/Number	
Book Section #1	Book Section #2	Book Section #3	
SEE INITIAL			
Warrant #	Court #	Action #	
Warrant Violation(s)	Bail	Mirandized	
		<input type="checkbox"/>	
Citation #	Violation(s)	Appear Date/Time	
Book/Cite Approval	Star	Mass Arrest Code	
Other Information: Citation/Warrant/Booking Charge(s)/Missing Person-Subject Description; Scars, Marks, Tattoos			

San Francisco Police Department
NARRATIVE

ON MARCH 10, 2005, AT APPROXIMATELY 19:00 HRS, I WAS WORKING PLAIN CLOTHES WITH SGT. FABBRI, OFC. DEJESUS AND OFC. IZAGUIRRE. WE WERE IN THE AREA OF WESTPOINT/MIDDLEPOINT CONDUCTING INVESTIGATIONS. IN FRONT OF 164 WEST POINT, I ATTEMPTED TO ARREST [REDACTED].

[REDACTED] FLUNG ME OVER HIS HEAD AND I DID A FLIP IN THE AIR, CRASHED DOWN, HITTING MY HEAD AND BACK ON THE HARD DIRT BELOW. I GOT UP AND RAN AFTER [REDACTED] WHO RAN TOWARDS CASHMERE, WHERE HE WAS TAKEN INTO CUSTODY.

THAT NIGHT I DID NOT FEEL ANY PAIN. THE NEXT DAY, Friday MARCH 11, 2005 I CAME TO WORK AT 7AM. MY NECK, BACK AND RIGHT HIP WERE SORE. I WORKED A FULL 10 HOUR SHIFT, BUT ATTEMPTED TO MAKE A DOCTORS APPT FOR THAT DAY. NONE WERE AVAILABLE. I WENT TO THE KAISER S.S.F, BUT WAS NOT SEEN, DUE TO THE NUMEROUS PEOPLE THERE. THAT NIGHT, MY NECK, BACK AND HIP BECAME EXTREMELY SORE. I SLEPT A TOTAL OF 2 HOURS. THE NEXT MORNING I AGAIN WENT TO WORK AT 7AM. I NOTIFIED SGT. [REDACTED] THAT I WAS EXTREMELY SORE AND COULD NOT GO ON PATROL. SGT. [REDACTED] ADVISED ME TO GO DIRECTLY TO CALIFORNIA PACIFIC MED CENTER, DAVIES ON DUBOCE. I RESPONDED THERE AND SAW DR. [REDACTED], WHO EXAMINED ME AND TOOK X-RAYS. DR. [REDACTED] TOLD ME THAT I HAVE A CONTUSION ON MY PELVIS BONE ON THE RIGHT SIDE. I ALSO HAVE STRAINED MUSCLES IN MY NECK AND BACK. [REDACTED]. I AM ON DP AT WORK UNTIL FURTHER EXAMS ARE COMPLETED BY THE OCCUPATIONAL HEALTH DEPT AT DAVIES.



From the desk of
Ed Martinez
Legal Processor
San Francisco Police Department
850 Bryant St
San Francisco, Ca 94103
Tel: 415-553-1512
Fax: 415-553-1999

Wednesday, September 14, 2005

To: Mark Scafidi

RE: 503-05

Mark, I am sending you a copy of the digital photographs for the above cited matter.

As for your request to inspect the property, the best thing to do is close this request and you can re-submit a new request when you have more time.

Ed.

RECEIVED
AT OCC
2005 SEP 16 PM 3:37

OFFICE COMMISSION
OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

019
NON-ROUTINE
Due by 09/13/05
Dir # 1518



Kevin Allen
Director

DATE: August 29, 2005
TO: Ed Martinez, SFPD Legal Division
FROM: Mark E. Scafidi, OCC Investigator
RE: OCC Case No. 503-05

Fax No. 553-1999

Dear Mr. Martinez:

The Office of Citizen Complaints is conducting an investigation of the above-referenced OCC case number. According to SFPD Incident Report # [REDACTED], there are five (5) photos and one (1) digital disk comprising evidence against the complainant, [REDACTED].

This is my formal request for copies of the five photos and the information contained on the digital disk. In addition, would you inform me of the steps needed to be taken to view and/or photograph the complainant's clothing, presumably held in SFPD property? I have provided pages one and three of the above referenced incident report to assist you in your search for the requested items.

As always, thank you, Ed, for your assistance in this matter and please let me know if there is anything else you need to fulfill my request. I can be reached directly at (415) 597-7717.

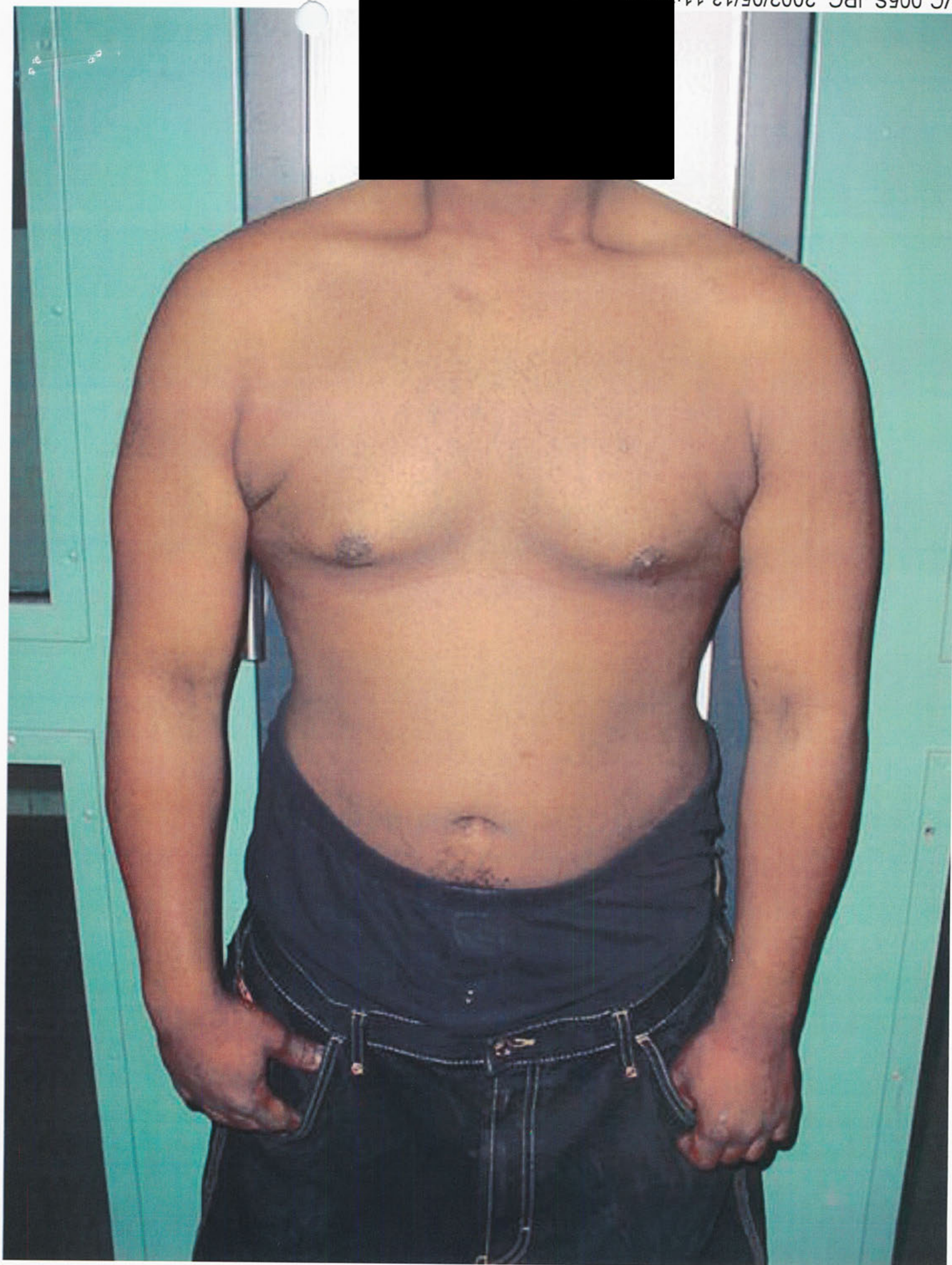
Sincerely,

Mark Scafidi

Mark Scafidi
OCC Investigator

Cc: Copy to OCC file

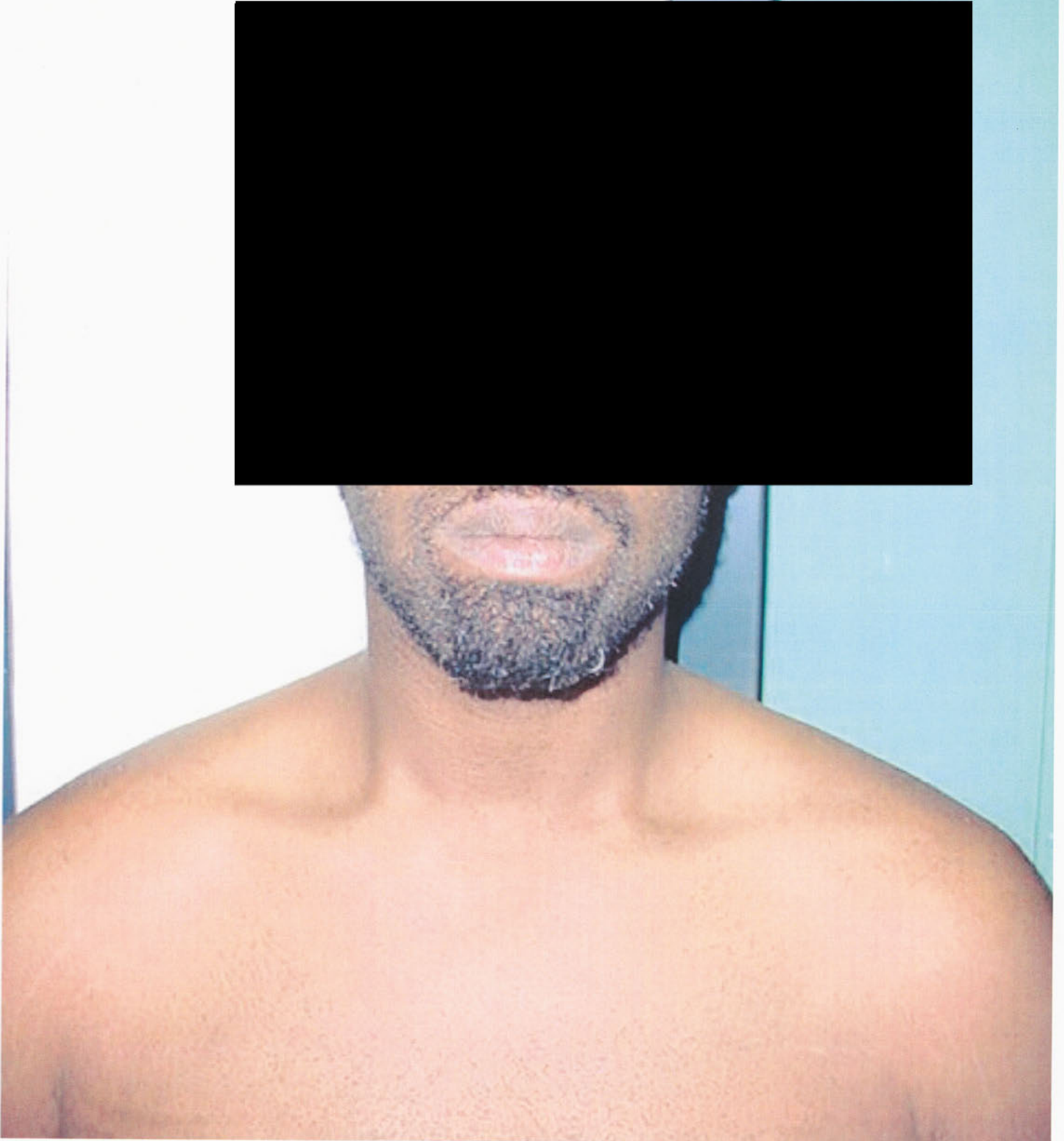
RECEIVED
AT OCC
2005 SEP 15 P 3:07











PC§ 602.**Trespass**

Except as provided in paragraph (2) of subdivision (v), subdivision (x), and Section 602.8, every person who willfully commits a trespass by any of the following acts is guilty of a misdemeanor:

- (a) Cutting down, destroying, or injuring any kind of wood or timber standing or growing upon the lands of another.
- (b) Carrying away any kind of wood or timber lying on those lands.
- (c) Maliciously injuring or severing from the freehold of another anything attached to it, or its produce.
- (d) Digging, taking, or carrying away from any lot situated within the limits of any incorporated city, without the license of the owner or legal occupant, any earth, soil, or stone.
- (e) Digging, taking, or carrying away from land in any city or town laid down on the map or plan of the city, or otherwise recognized or established as a street, alley, avenue, or park, without the license of the proper authorities, any earth, soil, or stone.
- (f) Maliciously tearing down, damaging, mutilating, or destroying any sign, signboard, or notice placed upon, or affixed to, any property belonging to the state, or to any city, county, city and county, town or village, or upon any property of any person, by the state or by an automobile association, which sign, signboard or notice is intended to indicate or designate a road, or a highway, or is intended to direct travelers from one point to another, or relates to fires, fire control, or any other matter involving the protection of the property, or putting up, affixing, fastening, printing, or painting upon any property belonging to the state, or to any city, county, town, or village, or dedicated to the public, or upon any property of any person, without license from the owner, any notice, advertisement, or designation of, or any name for any commodity, whether for sale or otherwise, or any picture, sign, or device intended to call attention to it.
- (g) Entering upon any lands owned by any other person whereon oysters or other shellfish are planted or growing; or injuring, gathering, or carrying away any oysters or other shellfish planted, growing, or on any of those lands, whether covered by water or not, without the license of the owner or legal occupant; or damaging, destroying, or removing, or causing to be removed, damaged, or destroyed, any stakes, marks, fences, or signs intended to designate the boundaries and limits of any of those lands.
- (h) (1) Entering upon lands or buildings owned by any other person without the license of the owner or legal occupant, where signs forbidding trespass are displayed, and whereon cattle, goats, pigs, sheep, fowl, or any other animal is being raised, bred, fed, or held for the purpose of food for human consumption; or injuring, gathering, or carrying away any animal being housed on any of those lands, without the license of the owner or legal occupant; or damaging, destroying, or removing, or causing to be removed, damaged, or destroyed, any stakes, marks, fences, or signs intended to designate the

boundaries and limits of any of those lands.

(2) In order for there to be a violation of this subdivision, the trespass signs under paragraph (1) must be displayed at intervals not less than three per mile along all exterior boundaries and at all roads and trails entering the land.

(3) This subdivision shall not be construed to preclude prosecution or punishment under any other provision of law, including, but not limited to, grand theft or any provision that provides for a greater penalty or longer term of imprisonment.

(i) Willfully opening, tearing down, or otherwise destroying any fence on the enclosed land of another, or opening any gate, bar, or fence of another and willfully leaving it open without the written permission of the owner, or maliciously tearing down, mutilating, or destroying any sign, signboard, or other notice forbidding shooting on private property.

(j) Building fires upon any lands owned by another where signs forbidding trespass are displayed at intervals not greater than one mile along the exterior boundaries and at all roads and trails entering the lands, without first having obtained written permission from the owner of the lands or the owner's agent, or the person in lawful possession.

(k) Entering any lands, whether unenclosed or enclosed by fence, for the purpose of injuring any property or property rights or with the intention of interfering with, obstructing, or injuring any lawful business or occupation carried on by the owner of the land, the owner's agent or by the person in lawful possession.

(l) Entering any lands under cultivation or enclosed by fence, belonging to, or occupied by, another, or entering upon uncultivated or unenclosed lands where signs forbidding trespass are displayed at intervals not less than three to the mile along all exterior boundaries and at all roads and trails entering the lands without the written permission of the owner of the land, the owner's agent or of the person in lawful possession, and

(1) Refusing or failing to leave the lands immediately upon being requested by the owner of the land, the owner's agent or by the person in lawful possession to leave the lands, or

(2) Tearing down, mutilating, or destroying any sign, signboard, or notice forbidding trespass or hunting on the lands, or

(3) Removing, injuring, unlocking, or tampering with any lock on any gate on or leading into the lands, or

(4) Discharging any firearm.

(m) Entering and occupying real property or structures of any kind without the consent of the owner, the owner's agent, or the person in lawful possession.

(n) Driving any vehicle, as defined in Section 670 of the Vehicle Code, upon real property belonging to, or lawfully occupied by, another and known not to be open to the general public, without the consent of the owner, the owner's agent, or the person in

lawful possession. This subdivision shall not apply to any person described in Section 22350 of the Business and Professions Code who is making a lawful service of process, provided that upon exiting the vehicle, the person proceeds immediately to attempt the service of process, and leaves immediately upon completing the service of process or upon the request of the owner, the owner's agent, or the person in lawful possession.

(o) Refusing or failing to leave land, real property, or structures belonging to or lawfully occupied by another and not open to the general public, upon being requested to leave by (1) a peace officer at the request of the owner, the owner's agent, or the person in lawful possession, and upon being informed by the peace officer that he or she is acting at the request of the owner, the owner's agent, or the person in lawful possession, or (2) the owner, the owner's agent, or the person in lawful possession. The owner, the owner's agent, or the person in lawful possession shall make a separate request to the peace officer on each occasion when the peace officer's assistance in dealing with a trespass is requested. However, a single request for a peace officer's assistance may be made to cover a limited period of time not to exceed 30 days and identified by specific dates, during which there is a fire hazard or the owner, owner's agent or person in lawful possession is absent from the premises or property. In addition, a single request for a peace officer's assistance may be made for a period not to exceed six months when the premises or property is closed to the public and posted as being closed. However, this subdivision shall not be applicable to persons engaged in lawful labor union activities which are permitted to be carried out on the property by the California Agricultural Labor Relations Act, Part 3.5 (commencing with Section 1140) of Division 2 of the Labor Code, or by the National Labor Relations Act. For purposes of this section, land, real property, or structures owned or operated by any housing authority for tenants as defined under Section 34213.5 of the Health and Safety Code constitutes property not open to the general public; however, this subdivision shall not apply to persons on the premises who are engaging in activities protected by the California or United States Constitution, or to persons who are on the premises at the request of a resident or management and who are not loitering or otherwise suspected of violating or actually violating any law or ordinance.

(p) Entering upon any lands declared closed to entry as provided in Section 4256 of the Public Resources Code, if the closed areas shall have been posted with notices declaring the closure, at intervals not greater than one mile along the exterior boundaries or along roads and trails passing through the lands.

(q) Refusing or failing to leave a public building of a public agency during those hours of the day or night when the building is regularly closed to the public upon being requested to do so by a regularly employed guard, watchman, or custodian of the public agency owning or maintaining the building or property, if the surrounding circumstances would indicate to a reasonable person that the person has no apparent lawful business to pursue.

(r) Knowingly skiing in an area or on a ski trail which is closed to the public and which has signs posted indicating the closure.

(s) Refusing or failing to leave a hotel or motel, where he or she has obtained accommodations and has refused to pay for those accommodations, upon request of the

proprietor or manager, and the occupancy is exempt, pursuant to subdivision (b) of Section 1940 of the Civil Code, from Chapter 2 (commencing with Section 1940) of Title 5 of Part 4 of Division 3 of the Civil Code. For purposes of this subdivision, occupancy at a hotel or motel for a continuous period of 30 days or less shall, in the absence of a written agreement to the contrary, or other written evidence of a periodic tenancy of indefinite duration, be exempt from Chapter 2 (commencing with Section 1940) of Title 5 of Part 4 of Division 3 of the Civil Code.

(t) Entering upon private property, including contiguous land, real property, or structures thereon belonging to the same owner, whether or not generally open to the public, after having been informed by a peace officer at the request of the owner, the owner's agent, or the person in lawful possession, and upon being informed by the peace officer that he or she is acting at the request of the owner, the owner's agent, or the person in lawful possession, that the property is not open to the particular person; or refusing or failing to leave the property upon being asked to leave the property in the manner provided in this subdivision.

This subdivision shall apply only to a person who has been convicted of a violent felony, as specified in subdivision (c) of Section 667.5, committed upon the particular private property. A single notification or request to the person as set forth above shall be valid and enforceable under this subdivision unless and until rescinded by the owner, the owner's agent, or the person in lawful possession of the property.

(u) (1) Knowingly entering, by an unauthorized person, upon any airport operations area if the area has been posted with notices restricting access to authorized personnel only and the postings occur not greater than every 150 feet along the exterior boundary.

(2) Any person convicted of a violation of paragraph (1) shall be punished as follows:

(A) By a fine not exceeding one hundred dollars (\$100).

(B) By imprisonment in the county jail not exceeding six months, or by a fine not exceeding one thousand dollars (\$1,000), or both, if the person refuses to leave the airport operations area after being requested to leave by a peace officer or authorized personnel.

(C) By imprisonment in the county jail not exceeding six months, or by a fine not exceeding one thousand dollars (\$1,000), or both, for a second or subsequent offense.

(3) As used in this subdivision the following definitions shall control:

(A) "Airport operations area" means that part of the airport used by aircraft for landing, taking off, surface maneuvering, loading and unloading, refueling, parking, or maintenance, where aircraft support vehicles and facilities exist, and which is not for public use or public vehicular traffic.

(B) "Authorized personnel" means any person who has a valid airport identification card issued by the airport operator or has a valid airline identification card recognized by the airport operator, or any person not in possession of an airport or airline identification card who is being escorted for legitimate purposes by a person with an airport or airline

identification card.

(C) "Airport" means any facility whose function is to support commercial aviation.

(v) (1) Except as permitted by federal law, intentionally avoiding submission to the screening and inspection of one's person and accessible property in accordance with the procedures being applied to control access when entering or reentering a sterile area of an airport, as defined in Section 171.5.

(2) A violation of this subdivision that is responsible for the evacuation of an airport terminal and is responsible in any part for delays or cancellations of scheduled flights is punishable by imprisonment of not more than one year in a county jail if the sterile area is posted with a statement providing reasonable notice that prosecution may result from a trespass described in this subdivision.

(w) Refusing or failing to leave a battered women's shelter at any time after being requested to leave by a managing authority of the shelter.

(1) A person who is convicted of violating this subdivision shall be punished by imprisonment in a county jail for not more than one year.

(2) The court may order a defendant who is convicted of violating this subdivision to make restitution to a battered woman in an amount equal to the relocation expenses of the battered woman and her children if those expenses are incurred as a result of trespass by the defendant at a battered women's shelter.

(x) (1) Knowingly entering or remaining in a neonatal unit, maternity ward, or birthing center located in a hospital or clinic without lawful business to pursue therein, if the area has been posted so as to give reasonable notice restricting access to those with lawful business to pursue therein and the surrounding circumstances would indicate to a reasonable person that he or she has no lawful business to pursue therein. Reasonable notice is that which would give actual notice to a reasonable person, and is posted, at a minimum, at each entrance into the area.

(2) Any person convicted of a violation of paragraph (1) shall be punished as follows:

(A) As an infraction, by a fine not exceeding one hundred dollars (\$100).

(B) By imprisonment in a county jail not exceeding one year, or by a fine not exceeding one thousand dollars (\$1,000), or both, if the person refuses to leave the posted area after being requested to leave by a peace officer or other authorized person.

(C) By imprisonment in a county jail not exceeding one year, or by a fine not exceeding two thousand dollars (\$2,000), or both, for a second or subsequent offense.

(D) If probation is granted or the execution or imposition of sentencing is suspended for any person convicted under this subdivision, it shall be a condition of probation that the person participate in counseling, as designated by the court, unless the court finds good cause not to impose this requirement. The court shall require the person to pay for this counseling, if ordered, unless good cause not to pay is shown.

(Amended by Stats. 2003, Ch. 805, Sec. 1.3. Effective January 1, 2004.)

(Amended by Stats. 2002, Ch. 608, Sec. 2. Effective September 17, 2002.)

(Amended by Stats. 2000, Ch. 149, Sec. 1. Effective January 1, 2001.)

(Amended by Stats. 1994, Ch. 680, Sec. 2. Effective January 1, 1995.)

PC§ 69.**Resisting Executive Officer**

Every person who attempts, by means of any threat or violence, to deter or prevent an executive officer from performing any duty imposed upon such officer by law, or who knowingly resists, by the use of force or violence, such officer, in the performance of his duty, is punishable by a fine not exceeding ten thousand dollars (\$10,000), or by imprisonment in the state prison, or in a county jail not exceeding one year, or by both such fine and imprisonment.

(Amended by Stats. 1983, Ch. 1092, Sec. 232. Effective September 27, 1983. Operative January 1, 1984, by Sec. 427 of Ch. 1092.)

PC§ 245. Assault with a Deadly Weapon or Force Likely to Produce Great Bodily Injury

- (a) (1) Any person who commits an assault upon the person of another with a deadly weapon or instrument other than a firearm or by any means of force likely to produce great bodily injury shall be punished by imprisonment in the state prison for two, three, or four years, or in a county jail for not exceeding one year, or by a fine not exceeding ten thousand dollars (\$10,000), or by both the fine and imprisonment.
- (2) Any person who commits an assault upon the person of another with a firearm shall be punished by imprisonment in the state prison for two, three, or four years, or in a county jail for not less than six months and not exceeding one year, or by both a fine not exceeding ten thousand dollars (\$10,000) and imprisonment.
- (3) Any person who commits an assault upon the person of another with a machinegun, as defined in Section 12200, or an assault weapon, as defined in Section 12276 or 12276.1, shall be punished by imprisonment in the state prison for 4, 8, or 12 years.
- (b) Any person who commits an assault upon the person of another with a semiautomatic firearm shall be punished by imprisonment in the state prison for three, six, or nine years.
- (c) Any person who commits an assault with a deadly weapon or instrument, other than a firearm, or by any means likely to produce great bodily injury upon the person of a peace officer or firefighter, and who knows or reasonably should know that the victim is a peace officer or firefighter engaged in the performance of his or her duties, when the peace officer or firefighter is engaged in the performance of his or her duties, shall be punished by imprisonment in the state prison for three, four, or five years.
- (d) (1) Any person who commits an assault with a firearm upon the person of a peace officer or firefighter, and who knows or reasonably should know that the victim is a peace officer or firefighter engaged in the performance of his or her duties, when the peace officer or firefighter is engaged in the performance of his or her duties, shall be punished by imprisonment in the state prison for four, six, or eight years.
- (2) Any person who commits an assault upon the person of a peace officer or firefighter with a semiautomatic firearm and who knows or reasonably should know that the victim is a peace officer or firefighter engaged in the performance of his or her duties, when the peace officer or firefighter is engaged in the performance of his or her duties, shall be punished by imprisonment in the state prison for five, seven, or nine years.
- (3) Any person who commits an assault with a machinegun, as defined in Section 12200, or an assault weapon, as defined in Section 12276 or 12276.1, upon the person of a peace officer or firefighter, and who knows or reasonably should know that the victim is a peace officer or firefighter engaged in the performance of his or her duties, shall be punished by imprisonment in the state prison for 6, 9, or 12 years.

(e) When a person is convicted of a violation of this section in a case involving use of a deadly weapon or instrument or firearm, and the weapon or instrument or firearm is owned by that person, the court shall order that the weapon or instrument or firearm be deemed a nuisance, and it shall be confiscated and disposed of in the manner provided by Section 12028.

(f) As used in this section, "peace officer" refers to any person designated as a peace officer in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2.

(Amended by Stats. 1999, Ch. 129, Sec. 1. Effective January 1, 2000.)

(Amended by Stats. 1993, Ch. 369, Sec. 1. Effective January 1, 1994.)

IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF POLICE ACCOUNTABILITY

CASE NUMBER: 0503-05

CAD COMMUNICATIONS

1 **D: DISPATCH**

2 **PU: POLICE UNITS IN FIELD**

3
4 [File 3794 dp12]

5 D: Mission station to David 14 David.

6 PU: Go ahead.

7 D: Can you 901 the front desk.

8
9 PU: 3 David 13 David.

10 D: 23 1 we have an A priority.

11 PU: Two running. (inaudible) Black jacket. White t-shirt.

12 D: Black jacket. White t-shirt. Code 33 there's a unit in foot pursuit. What's your 10 20?

13 PU: It's the West Point towards Cashmere.

14 D: West Point towards Cashmere.

15 PU: Running towards Cashmere.

16 D: Running towards Cashmere. Which unit are you?

17 PU: 38 Unit.

18 D: Copy that. What's your 1020 now?

19 PU: Cashmere.

20 D: Okay units to respond to Cashmere.

21 PU: 5 Ocean 6 responding code 3.

22 D: Copy that. Can we get the description again please? And what's your 1020 now?

23 PU: Dead end of Cashmere.

24 D: Dead end of Cashmere. Charlie 38 units are in foot pursuit. What's the (want) on the
25 subject?

1 PU: Charlie 101 authorizing code 3 response.

2 D: Charlie 101 is authorizing code 3 response. Dead end of Cashmere. Units to respond and
3 give us a 10 13.

4 PU: (inaudible) respond code 3.

5 D: Units respond code 3. We copy that. Stay off the air for the Charlie unit to give us a 10
6 13.

7 PU: They're okay.

8 D: The 38 Charlie is advising they're okay. What's your 1020?

9 PU: Charlie 13 David, we're 97 20 Cashmere. Everybody's okay. Slow down the units right
10 now.

11 D: Units no more code 3 response. Number 20 Cashmere units are okay. Slow down your
12 response. No more code 3 response.

13 PU: Charlie 15 David 97 on Cashmere.

14 D: 10 4.

15 PU: Charlie 38 Ida. Description of the guy is got a three-quarter length black leather jacket. I
16 have his hat. You got the white t-shirt. He's about 5'6". Dark skinned and bushy hair.

17 D: We have a dark skinned, 5'6" male wearing a white t-shirt, three quarter length black
18 leather jacket per 38 Ida. This is an outstanding suspect.

19 PU: 10 4 and possible weapon on the right side of his jacket and a 245 on an officer.

20 D: Units be advised this is a 245 on an officer. Officer safety and possibly carrying a
21 weapon on the right side. Again this was a 245 on an officer.

22 PU: (inaudible)

23 D: 10 9?

24 PU: (inaudible)

25 D: You're coming in (10 1) I'm copying [REDACTED] ?

1 PU: 10 4.

2 D: Do you need to set up a perimeter?

3 PU: Negative (inaudible)

4 D: Okay Charlie 130 can you advise if we need to set up a perimeter? The plate comes back

5 [REDACTED]

6 PU: 133 got him right here at gunpoint.

7 D: There's a unit that has the subject at gunpoint. What's your 1020?

8 PU: Behind 25 Reuel Court. Behind 25 Reuel Court.

9 D: Okay behind 25 Reuel Court. Nor unit has the subject at gunpoint.

10 PU: Charlie unit. Charlie unit.

11 D: Okay.

12 PU: We have him in custody.

13 D: Now advising they have him in custody. Behind 25 Reuel Court.

14 PU: (inaudible) is giving a code 4. I have one in custody.

15 D: All units a code 4. One in custody. 25 Reuel Court.

16 PU: Yeah again behind 25 Reuel Court.

17 D: Behind that 10 12.

18 PU: 5 Ocean 697 Reuel Court.

19 D: 10 4.

21 PU: We'll take a 407 to 25 Reuel.

22 D: Unit to provide a 407 25.

23 PU: Charlie 32 will get there (inaudible)

24 D: Copy. 13 David is going to provide the 407. Units should we go ahead and secure from
25 code 33?

1 PU: Yes 10 4 code 4 code 33.

2 D: Securing from code 33. One in custody behind 25 Reuel Court by the Charlie unit.

4 PU: Charlie 202 to 138.

5 PU: 138.

6 PU: Yeah what's the 10 13 on the officer?

7 PU: I just saw it get thrown through the air by the suspect. He's in custody and they got him
8 in custody on Reuel Court. I think she's okay though.

9 PU: 10 4.

10 D: Does the officer need an ambulance?

11 PU: Negative.

12 D: Copy. Negative on the 408.

14 PU: Units in the Mission. 6 can be advised we have 7 units responding. We had an A priority
15 come during that code 33. [REDACTED] [REDACTED]. [REDACTED]

16 [REDACTED]

18 PU: Charlie 138. I need some of the units to go back to West Point just north of Middle Point
19 just to secure our vehicle. It's a Pontiac Grand AM.

20 D: Unit to go back to West Point north of Middle Point.

21 PU: Charlie 38 (inaudible)

22 D: Okay Charlie 38 Charlie going to secure the vehicle?

1 PU: Charlie 12 David we'll head up to secure the vehicle.

2 D: 10 4. It's a Pontiac Grand AM.

4 PU: Charlie 138.

5 D: 138.

6 PU: Yeah (inaudible) 1029. This is not the 245 subject. (inaudible) 98 to the company as an
7 unrelated person.

8 D: Unrelated incident?

9 PU: Nah, it's the same incident but the person I'm going to give you for a 10 29 is not the --
10 the 245 suspect is in custody. This is somebody else.

11 D: 10 4 go ahead.

12 PU: [REDACTED]

13 [REDACTED] . [REDACTED] [REDACTED] .

14 D: [REDACTED] ?

15 PU: [REDACTED]

16 D: 10 4. Standby 1.

17 PU: [REDACTED] [REDACTED] [REDACTED]

18 [REDACTED] [REDACTED]

19 [REDACTED] [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 END OF AUDIO

1 **IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO**

2 **DEPARTMENT OF POLICE ACCOUNTABILITY**

3
4 **CASE NUMBER: 0503-05**

5
6
7
8 **INTERVIEW OF:**

[REDACTED]

9
10 **INTERVIEWED BY:**

OCC INVESTIGATOR

11
12 **DATED:**

AUGUST 29, 2005

1 **Q: OCC INVESTIGATOR**

2 **A:** [REDACTED]

3
4 **Q:** Case number 503-05. I'm on County Jail 2, seventh floor and I'm speaking to the
5 complainant [REDACTED]. [REDACTED], do you understand I'm tape recording this interview?

6 **A:** Yes.

7 **Q:** And I have your permission to do so?

8 **A:** Yes.

9 **Q:** And it's about 11:33 or thereabouts on I think it's August 29th, yeah August 29th, 2005.
10 Okay, well I just introduced myself to you and I just wanted you to kind of give me this, an idea
11 as to what occurred. This incident, let's see this happened on March 10th of this year, is that
12 right?

13 **A:** Yes.

14 **Q:** And according to the incident report that happened at around 7:41 in the, in the evening.
15 Does that sound about right?

16 **A:** At night.

17 **Q:** Yeah, 7:41, like quarter to eight at night. Does that sound about right? According to
18 you, it was earlier.

19 **A:** (inaudible)

20 **Q:** Yeah. Let's see, well you didn't really put down a time on yours, on your form. Okay.
21 So if you can, if you can just kind of run it through sequentially as things happened, so we're not
22 kind of bouncing around. Just makes for a tighter story, easier for me to follow what happened,
23 that'd be helpful. But before we do that, the other thing I wanted to ask you about or let you
24 know about is I've been working, doing this for like 10 years, I've never had a tape subpoenaed
25 out of our office that I know that I'm aware of, but I suppose it could happen. So I always

1 caution people that are in jail pending a hearing that anything you say may be subpoenaed and
2 therefore could be used perhaps even against you depending on what you say. So I want to
3 advise you, you know say what you feel comfortable saying but know that this all could
4 subpoena if that were (Inaudible)

5 A: Only think I got to say is you know what I'm saying when I was placed in handcuffs,
6 Officer DeJesus, he asked me from arresting officer, I think it was on Cashmere you know what
7 I'm saying, and just starting hitting me with the flashlight.

8 Q: Uh-huh.

9 A: You know what I'm saying?

10 Q: Yeah, we can (inaudible) allegation. We're talking about a force issue, [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 A: Yeah.

15 Q: [REDACTED]

16 A: Officer, Officer Jack, Jackson, he the one had me placed under arrest. You know what
17 I'm saying? He had me handcuffed on Cashmere you know what I'm saying?

18 Q: Uh-huh.

19 A: And then I think, I don't know, I was the one who got snatched away from Officer
20 Jackson and Officer De Jesus start beating me with the flashlight. My (inaudible) and
21 everything, man, you know what I'm saying? Then they put me in, and they didn't even take
22 me, they didn't even, they didn't even undercover, it was all undercover cops. And none of them
23 like placed me like, they had, they call in for, for uniform division to come pick me up from the
24 area. They didn't even take me away. They was all like you know what I'm saying.

1 Q: Alright. So what I hear you saying is that anything that you're complaining about has to
2 do after the arrest was affected.

3 A: Yeah.

4 Q: Alright, let's start-

5 A: Yeah.

6 Q: Let's start right there. So one thing that comes up prior however, when the officers were
7 attempting to apprehend you on that, at that time, apparently a female officer tried to apprehend
8 you and one of the charges against you, I'm pretty sure, the 245, under the Penal Code which is
9 battery against a police officer. And so why don't you talk about that first just in case there's
10 any relevance between that incident and what the officer did later on? You follow me?

11 A: Nu-uh.

12 Q: Let me ask you this question. Do you think that Officer De Jesus, the reaction that you
13 said he took against you, do you think it had anything to do with you committing battery?

14 A: I think, I think you're trying to accuse me of all that shit, you know what I'm saying?
15 Most of all the other shit, I don't know.

16 Q: Did you read the incident report?

17 A: I ain't got the incident report. That's why I'm waiting for to get it from my lawyer, so I
18 don't even want to speak on all that.

19 Q: Alright.

20 A: You know what I'm saying?

21 Q: Okay. We'll just start with the arrest then.

22 A: Yeah.

23 Q: So you're arresting, you said Officer Jackson is the one that made the arrest.

24 A: Yeah.

25 Q: Plain clothes or uniform?

1 A: Plain clothes.

2 Q: Alright. And then was anybody with him at the time he made the arrest?

3 A: There was a few officers.

4 Q: All plain clothes?

5 A: All plain clothes.

6 Q: About how many?

7 A: About four, four to five.

8 Q: Alright. Were all these officers in a position to see what happened later between yourself
9 and Officer De Jesus?

10 A: It was all (inaudible) after the incident.

11 Q: Okay.

12 A: Because like once, once he put the handcuffs on me, he, he just started walking with me
13 and the DeJesus grabbed me in front of me and started beating me with the flashlight.

14 Q: Okay, who was walking you?

15 A: Jackson.

16 Q: Was anybody with Jackson at that time?

17 A: There was another person, a black male officer with him.

18 Q: Okay. Officer Jackson is a black male?

19 A: Yeah.

20 Q: And the other officer was also an African American male that was with him? A black
21 male?

22 A: Yeah. They was trying to interview at the station, and I didn't know what he was talking
23 about because I was still like dazed.

24 Q: Okay, when you were struck by Officer De Jesus-

25 A: Yeah.

1 Q: Where were you?

2 A: I was in handcuffs.

3 Q: Where?

4 A: Oh Cashmere.

5 Q: You were still at the scene.

6 A: Yeah.

7 Q: Where they, where they took you in to custody.

8 A: He beat me on the scene.

9 Q: Okay. So as far as you know Officer Jackson and the officer that was with him would
10 have been in a position to see what, what Officer De Jesus did?

11 A: Yeah.

12 Q: Any other officers been in a position that you know of that could have seen what
13 happened?

14 A: Yeah, I saw, I saw Jackson and the Officer DeJesus starting whooping me.

15 Q: And after that was over in terms of looking around, did you see any other officers
16 around?

17 A: Yeah, the officer that put me inside of the black and white.

18 Q: Do you know who these officers are?

19 A: I got arrested with (inaudible) too. Little short, little short Caucasian. He, he was bald
20 headed.

21 Q: Okay, what else?

22 A: In a black police car.

23 Q: Thin, heavy?

24 A: Thin.

25 Q: Is he-

1 A: (Didn't want to) show up y'all from the scene.

2 Q: Was he one of the ones that drove you off on the scene?

3 A: You know that's the police car they put me in too.

4 Q: Okay. I just want to get a -

5 A: De Jesus (inaudible) all they all little, they whole little crew was right there.

6 Q: Okay.

7 A: And I, I couldn't, I don't them by, by name but I know them by face, like you know what

8 I'm saying?

9 Q: And the short white male officer was also undercover?

10 A: No, he was the one-

11 Q: He was uniformed?

12 A: He was uniform. He's the one that put me in back of his, back of his police car. He

13 called, he put me in back of his police car.

14 Q: So he transported you?

15 A: Yeah, he transported me.

16 Q: Was anybody with him?

17 A: Yeah, there was another, another officer. He had like spiky hair like.

18 Q: White male?

19 A: Yeah.

20 Q: Okay, so you had two transport officers, Officer Jackson, the black male officer that was

21 accompanied Officer Jackson at the time?

22 A: Yeah. It's Officer Jackson and his partner the ones who, who placed me under arrest.

23 Q: Okay. So those, those four that may have, well for sure Officer Jackson and his partner.

24 A: Officer Jackson was prior (to the assault)

25 Q: Right, right.

1 A: There the one of main two because when we got to the station, Jackson was trying to get
2 a statement out of me about what happened.

3 Q: Regarding the officer striking you?

4 A: I think so. I'm not, I wasn't too sure.

5 Q: Did you write a statement?

6 A: I never wrote no statement.

7 Q: You didn't.

8 A: I was, I was, I was the truth about everything. I didn't know what was going on.
9 (inaudible).

10 Q: Okay, alright. Well let's go to the initial arrest then. So Officer Jackson takes you into
11 custody for, he was the one that handcuffed you?

12 A: Yeah.

13 Q: Okay. Did his partner or the other officer that was there have any contact with you other
14 than being there? Did he talk to you?

15 A: He talked to me.

16 Q: Okay. So he was just standing by?

17 A: Yeah. The only time I tried to talk to him was at the, in the station.

18 Q: Okay, well let's not go to the station just yet. So how long after the handcuffs were put on
19 you did Officer DeJesus arrive?

20 A: Like two seconds behind him, saw, he was like behind him, like you know what I'm
21 saying? He just tried to grab me, tried to (inaudible).

22 Q: [REDACTED]

23 A: [REDACTED]

24 Q: [REDACTED]

25 [REDACTED]

1 A: [REDACTED]
2 Q: [REDACTED]
3 A: [REDACTED]
4 Q: [REDACTED]
5 A: [REDACTED]
6 Q: [REDACTED]
7 A: [REDACTED]
8 [REDACTED] [REDACTED]
9 [REDACTED] [REDACTED]
10 [REDACTED] [REDACTED]
11 [REDACTED] [REDACTED]
12 [REDACTED]
13 [REDACTED] [REDACTED]
14 A: That was behind some buildings, like (inaudible). And he walked me off and had me
15 handcuffed. You know what I'm saying? And then here come DeJesus. He snatched me away
16 from him.
17 Q: Okay so you're walking and now you said it was just seconds after he handcuffed you.
18 A: Yeah.
19 Q: So I guess you couldn't have walked too far.
20 A: I didn't walk that far. It's just once he grabbed me, handcuffed me, he cuffed me right
21 then and had me on the ground, you know what I'm saying like picked me up. Then he walked
22 me like, you know what I'm saying, then once we, once, once DeJesus saw me, DeJesus
23 snatched in front.
24 Q: He grabbed your shirt?
25 A: Yeah and started beating me with the flashlight.

1 Q: Did he have the flashlight when he approached you?

2 A: He already had it out, everything.

3 Q: Okay tell me how he approached you. He had a flashlight in what hand, his right hand,
4 left hand?

5 A: I'm handcuffed this way.

6 Q: Did he approach you (Inaudible)

7 A: Yeah. He came, I don't know which side came with the flashlight, but he grabbed me
8 with his opposite hand. So you know what I'm saying.

9 Q: So it was frontal attack?

10 A: Yeah.

11 Q: Okay, so where did he strike you?

12 A: He struck me in the chest.

13 Q: Well in this section, just below the sternum?

14 A: Yeah.

15 Q: Okay and how many strikes were there?

16 A: About three to four and then he took, then he went to my back. I think he struck me in my
17 back like-

18 Q: Where?

19 A: The black marks on my back.

20 Q: It's kind of hard to see now. I hope this happened some time ago, months ago. There is a
21 mark here.

22 A: That's my back. There, there is like one right there and one at, here is one.

23 Q: Okay.

24 A: So there should be like two on that side, like you know what I'm saying?

25 Q: Alright.

1 A: Yeah.

2 Q: So the sternum, mid back.

3 A: Jaw.

4 Q: Jaw, it hit you, where did he hit you? Across the cheek?

5 A: Yeah. (Inaudible) in the back.

6 Q: So your left cheek?

7 A: Yeah.

8 Q: That's three strikes. Any others? Here, here, here.

9 A: One in my arm.

10 Q: Once under your arm, under your right arm?

11 A: Yeah.

12 Q: So right arm pit. Four strikes that you remember.

13 A: Yeah.

14 Q: Correct? Okay so were they, was there any conver- okay, hang on a second. Officer

15 Jackson had you and then DeJesus reaches and grabs you. Is that correct?

16 A: Yes.

17 Q: [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25

1 A: [REDACTED]

2 [REDACTED]

3 [REDACTED] [REDACTED]

4 [REDACTED]

5 [REDACTED] [REDACTED]

6 [REDACTED] So what did De Jesus, did he say anything to you? Was he,
7 was he just hitting you without saying any words at all?

8 A: He just, he just went to work like he just do what he, like do with who he was after like
9 (inaudible)

10 Q: Do you have any idea as to why he did this?

11 A: No, no I was like, I'm talking about when I got to the station like what's the problem,
12 what did I do? You know what I'm saying?

13 Q: You're asking at the station?

14 A: Yeah.

15 Q: What did he say?

16 A: [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED] [REDACTED]

22 [REDACTED] [REDACTED]

23 [REDACTED] [REDACTED]

24 [REDACTED] [REDACTED]

25 [REDACTED]

1 Q: [REDACTED]

2 [REDACTED] [REDACTED]

3 [REDACTED] [REDACTED]

4 [REDACTED] [REDACTED]

5 [REDACTED] [REDACTED]

6 [REDACTED] [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED] [REDACTED]

13 [REDACTED] [REDACTED]

14 [REDACTED] [REDACTED]

15 [REDACTED] [REDACTED]

16 [REDACTED] [REDACTED]

17 [REDACTED] [REDACTED]

18 [REDACTED] [REDACTED]

19 [REDACTED] [REDACTED]

20 [REDACTED] [REDACTED]

21 [REDACTED] [REDACTED]

22 [REDACTED] [REDACTED]

23 [REDACTED] [REDACTED]

24 [REDACTED] [REDACTED]

25 [REDACTED]

1 A: [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED] Fuck, like I'm saying he was just cuz was hella mad,
5 like, like the only thing I could just read like he wanted to just punch me in my chest when he hit
6 me with the flashlight, like you know what I'm saying? And I ain't know, I didn't know why he
7 really wanted to, wanted to punch me in my chest until after I was incarcerated. My chest was
8 swell up like this. I had like internal bleeding in my chest so if he was pointing in my chest, he
9 could have, you know what I'm saying, do some real damage to me.

10 Q: What happened to the tooth?

11 A: The tooth was still at the scene. I lost my tooth on Cashmere. When he hit me on the
12 flashlight, I just saw something pop one out of my mouth. And like I'm a little dazed, like you
13 know what I'm saying?

14 Q: Were you bleeding?

15 A: Yep, from the mouth.

16 Q: Was there much bleeding?

17 A: A lot.

18 Q: Did you bleed on your clothes?

19 A: On my clothes, I don't know.

20 Q: I'm just wondering if officers had any way of knowing that you lost a tooth.

21 A: I don't know because they made me take my shirt off at the station.

22 Q: What happened to those clothes?

23 A: I'm assuming that all stays in my property. They had me take my shirt off before he took
24 pictures of me.

25 Q: Tell me a little bit about that. They took five photos apparently.

1 A: Yeah

2 Q: Where did they take them?

3 A: Right there, see that's where he didn't take 'em to the same spot. They was like trying to
4 like dude (inaudible) He put me right there in front, right there in front of the holding cells took
5 the pictures.

6 Q: Who took the pictures?

7 A: (Fabri)

8 Q: Okay.

9 A: I'm trying to show him my, my tooth. He like put your hands down.

10 Q: Who told you put your hands down? (Fabri)

11 A: Uh-huh. You know what I'm saying? I'm trying to show him what happened to my
12 tooth and shit. He was like put your hands down.

13 Q: Do you know why you're being photographed?

14 A: No.

15 Q: They took photographs as far as, I'll make a copy of them but as far as you know, what
16 photographs did they take of you?

17 A: My body with no shirt on.

18 Q: Just your upper body? Front and back?

19 A: Yeah.

20 Q: Okay. Did they take a picture of your mouth?

21 A: Nope, he wouldn't took a picture of my mouth. When I tried to show him, he was like
22 "close your mouth."

23 Q: Okay in the incident report, they talk about (Paul Long) that was in area. Did, did, was
24 he long gone or well, let me ask you this.

25 A: I was by myself.

1 Q: Were there any civilian witnesses to what you happened to you-

2 A: I don't know.

3 Q: That you know?

4 A: I don't even know, man. The only things I saw was all police by me.

5 Q: Were you in a residential location? Were there houses around?

6 A: Yeah.

7 Q: Do you know exactly where you stood when this happened?

8 A: Well it was on Cashmere in the middle of like a little, like a little alley way type of little

9 cut like.

10 Q: Is Cashmere, is there a cross street?

11 A: No, (inaudible) end of Cashmere.

12 Q: Is it a dead end?

13 A: It's a dead end. So it's a horseshoe. You know what I'm saying? Like right between if

14 they're going -- right between going up the hill it's right there like in between the buildings.

15 There is two buildings that separate and got a gap between them.

16 Q: Is that the very end of the dead end?

17 A: It's in the middle.

18 Q: I mean at the back of the dead end but in the middle. Is that what you're saying?

19 A: Yeah.

20 Q: Okay and that's where you were taking on?

21 A: The dead end is like right here and the gap is like, there is a building right here, right.

22 Q: Uh-huh.

23 A: From the, from the end of the, the end of the turn. The turn is right here.

24 Q: Okay, here is the horseshoe.

25 A: Right.

1 Q: Uh-huh.

2 A: This one, that's the end of one building, right, out in the middle right here. And then the
3 other one start going back up the hill to leave.

4 Q: Okay.

5 A: You know what I'm saying so like right here between the building, the last building that
6 go up and the last building.

7 Q: Is that where you were apprehended, near (inaudible) building?

8 A: Yeah, in the middle of the line, in the middle of the block where-

9 Q: Okay. Alright so the transfer officers, were was their unit? Where will you walk to after
10 this happened to you?

11 A: To the police car on Cashmere. That's where they put in the back of the police car.

12 Q: How close is the vehicle to where you were hit?

13 A: Huh?

14 Q: How close was the vehicle that you were transported in, to Bayview Station-

15 A: Yeah.

16 Q: How far, how close was that located to where you were when you were hit with
17 flashlight?

18 A: Shit, about-

19 Q: Maybe in car lengths or whatever is easiest for you to describe.

20 A: Like 10-15 feet.

21 Q: Okay so that's about 15 feet where that wall is. That close?

22 A: About that close.

23 Q: Okay, so obviously you could see the patrol car where it was? There were no corners or
24 turns or anything?

25 A: No.

1 Q: Did you see those other two officers that transported you?

2 A: Yeah.

3 Q: Before you actually got to that vehicle?

4 A: They was playing with the car door open.

5 Q: Okay. Okay. So I mean outside DeJesus himself, I'm counting approximately four
6 officers that were in position to possibly see what happened to you? Does that sound right?

7 A: Yeah.

8 Q: You said, you said that there was a, you know -

9 A: [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 A: So (inaudible) when dude grabbed me from them, started beating me with a flashlight. It
13 didn't make no sense to me, man.

14 Q: And then you said De Jesus and his crew?

15 A: Yeah.

16 Q: Were around. Now any members of the crew around, any under, plain clothes officers
17 around?

18 A: There was a few of them, man. The guy, he was beating with that flashlight. Man, I
19 couldn't see. Man, I was trying to cover up. I came in the door, I came, I'm handcuffed, you
20 know what I'm saying so I'm (squintching)

21 Q: No, I understand that. After that-

22 A: I don't know nothing going on, nothing, man. The only thing I know is I was getting beat.

23 Q: Okay.

24 A: You know what I'm saying?

25 Q: I know but I'm trying to find witnesses to what happened to you.

1 A: Yeah.

2 Q: Other officers.

3 A: See, I don't know if anybody else was looking at the time, but they had the whole little
4 scene blocked off with they whole little crew, man. You know what I'm saying? It was
5 everybody that worked that little staff. There was few, there was another dude that dude wear
6 glasses.

7 Q: Uh-huh

8 A: You know what I'm saying, he was there too. And there was few, there was a few
9 undercovers there, man.

10 Q: You said a little guy with glasses. Now was that an undercover officer?

11 A: Yeah he wasn't no little, he was like a little tall. He was Caucasian.

12 Q: Okay.

13 A: You know what I'm saying.

14 Q: Was he, again, was he in the area?

15 A: Yeah, he was looking. They was like they was looking at him like he was crazy or
16 something, like.

17 Q: The officers were looking at Officer DeJesus is he gone crazy?

18 A: Yeah.

19 Q: Alright.

20 A: And I'm placed in handcuffs and he the one using daily force against me. Man, I don't
21 know what's going on. You know what I'm saying.

22 Q: [REDACTED]

23 [REDACTED]

24 [REDACTED] [REDACTED]

1 Q: [REDACTED]
2 [REDACTED]
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4 [REDACTED] [REDACTED]
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5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED] [REDACTED]

9 [REDACTED] [REDACTED]

10 [REDACTED] [REDACTED]

11 Q: Alright, they mentioned Officer Scott. Do you know who Officer Scott is?

12 A: No.

13 Q: I mean in terms that they're saying this officer located you, lit you up with the flashlight
14 and that kind of thing. Now does that sound like a description of what you believe Officer
15 Jackson?

16 A: Yeah.

17 Q: Did he light, did Officer Jackson light you up with a flashlight?

18 A: Jackson, Officer Jackson is the one who put me in handcuffs. Man, that's the one thing I
19 know for sure. Him and another. That'd probably be Officer Scott who was with him. You know
20 what I'm saying? They put me in handcuffs.

21 Q: Why don't you describe that; can you describe that? You told me it was a-

22 A: Black dude.

23 Q: Right.

24 A: Yeah.

25 Q: Tell me was he a big man, small man?

1 A: They was both like muscular, muscular build.

2 Q: Okay.

3 A: Jackson, he's bigger. You know what I'm saying? Jackson is like like a football player,

4 like you know what I'm saying? He ain't no little guy, man.

5 Q: So the other officer was muscular. Was he as tall as Jackson?

6 A: A little shorter.

7 Q: Okay, how tall, well you're 5'8". Is that right?

8 A: Uh-huh.

9 Q: How much taller was he than you, the second officer?

10 A: I couldn't even, I couldn't actually tell you his size.

11 Q: Taller than you?

12 A: He was taller though, taller than me.

13 Q: Alright. And anything you can tell me about, was he an older guy, younger guy?

14 A: Older.

15 Q: Like 35 older?

16 A: I couldn't really, I don't really know.

17 Q: How old are you?

18 A: He looked older than me. I'm 28.

19 Q: Okay so you think he's in his 30's. Thin?

20 A: No, he muscular,` muscular build.

21 Q: Okay. He was uniformed. Glasses, mustache, anything, do you remember?

22 A: He had a little mustache like yours.

23 Q: You're talking about the second officer, not Jackson, right?

24

25

1 A: Yeah, the second officer. He was the one up in the, I'm not sure but he was the one up in
2 the, in the, it was Jackson and I don't know the dude name. I think it's, it's him. I'm not sure
3 but it's him and another black officer who was trying to ask me some questions at the station.

4 Q: Well this report talks about Officer Scott who they report being 165 pounds. They said
5 considerably smaller frame. I don't know if that means he's shorter than 5'8" or whether he's
6 just thinner but 165 pounds is not that, is not that large. That doesn't sound like either one of the
7 officers that you're describing, Officer Jackson or his partner. Is that right? Okay.

8 A: [REDACTED]

9 Q: Alright, okay. So you talked about the flashlights strikes. You talked about the other
10 officers looking on in disbelief, sounds like. I don't know, is that the word you'd use?

11 A: Yeah.

12 Q: You were transported by two uniformed officers who may have seen what occurred to
13 you. Is that correct?

14 A: Yeah.

15 Q: They took you to Bayview Station. Is that right?

16 A: Yeah.

17 Q: [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED] [REDACTED]

21 [REDACTED] [REDACTED]

22 [REDACTED] [REDACTED]

23 [REDACTED] [REDACTED]

24 [REDACTED]

25 [REDACTED] [REDACTED]

1 Q: [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 A: That's about it. Can I get a copy of your card?

9 Q: Yeah. Alright, I'll go ahead and take some photographs of you real quick. And-

10 A: My phone is hella (inaudible)

11 END OF SIDE A

12 Q: When the click sound went off and I changed the tape. Did I ask any questions during
13 that time?

14 A: No.

15 Q: Okay. I was going to say that the pictures that were taken of you were taken directly
16 after the incident. Is that right? The five photos taken by Sergeant Fabri?

17 A: I wasn't swelled up yet.

18 Q: You had not swollen yet?

19 A: Yeah.

20 Q: Any discoloration in your -

21 A: No, my skin just now turned (inaudible) The bruise marks are still like far back in my
22 chest and my face.

23 Q: Okay let's see if there is anything else to ask you. Okay. I think we're okay on the tape
24 portion interview. It's 12:05 now on August 29th, 2005.

25 END OF INTERVIEW

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